

# **CONFIRMED MINUTES**

**FOR THE  
GREATER SHEPPARTON CITY COUNCIL**

## **DEVELOPMENT HEARINGS PANEL**

**Meeting No.10/2015**

**HELD ON  
THURSDAY 22 OCTOBER 2015  
AT 10.00AM**

**IN THE HUNTER ROOM  
90 WELSFORD STREET**

**CHAIR  
Councillor Dinny Adem**

## **1. ACKNOWLEDGEMENT**

Welcome everyone to Development Hearings Panel meeting number ten 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),
- Colin Kalms – Manager Planning,
- Braydon Aitken – Team Leader Statutory Planning
- Ian Boyle – Team Leader Strategic Planning, and;
- Jon Griffin – Team Leader Development

## **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 number of items today we will get you to introduce yourself when it is your turn to present.

## **5. APOLOGIES**

Johann Rajaratnam – Panel Member

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

Moved by Braydon Aitken, and seconded by Colin Kalms that the minutes of the meeting held on 27 August 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
  - The objector/s or representatives on behalf of the objectors to present in support of their submissions
  - 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:

- Item 1 – Planning permit application 2014-358 for a three lot subdivision in the Low Density Residential Zone, Land Subject to Inundation Overlay, Land Adjacent to a Road Zone Category 1 and for Variation of an Electricity Supply Easement at 105 Central Kialla Road, Kialla
- Item 2- Planning permit application 2015-198 for three lot subdivision and buildings and works for a dwelling on a lot less than 300m<sup>2</sup> on proposed lots 2 and 51 Callister Street, Shepparton

**10. LATE REPORTS**

None

**11. NEXT MEETING**

Wednesday 4 November 2015

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<b><u>Application No.</u></b>	<b><u>Subject Address:</u></b>	<b><u>Proposal:</u></b>	<b><u>Page No.</u></b>
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2015-198	51 Callister Street, Shepparton	Three lot subdivision and buildings and works for a dwelling on a lot less than 300m <sup>2</sup> on proposed lots 2 and 3	30

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## Application Details:

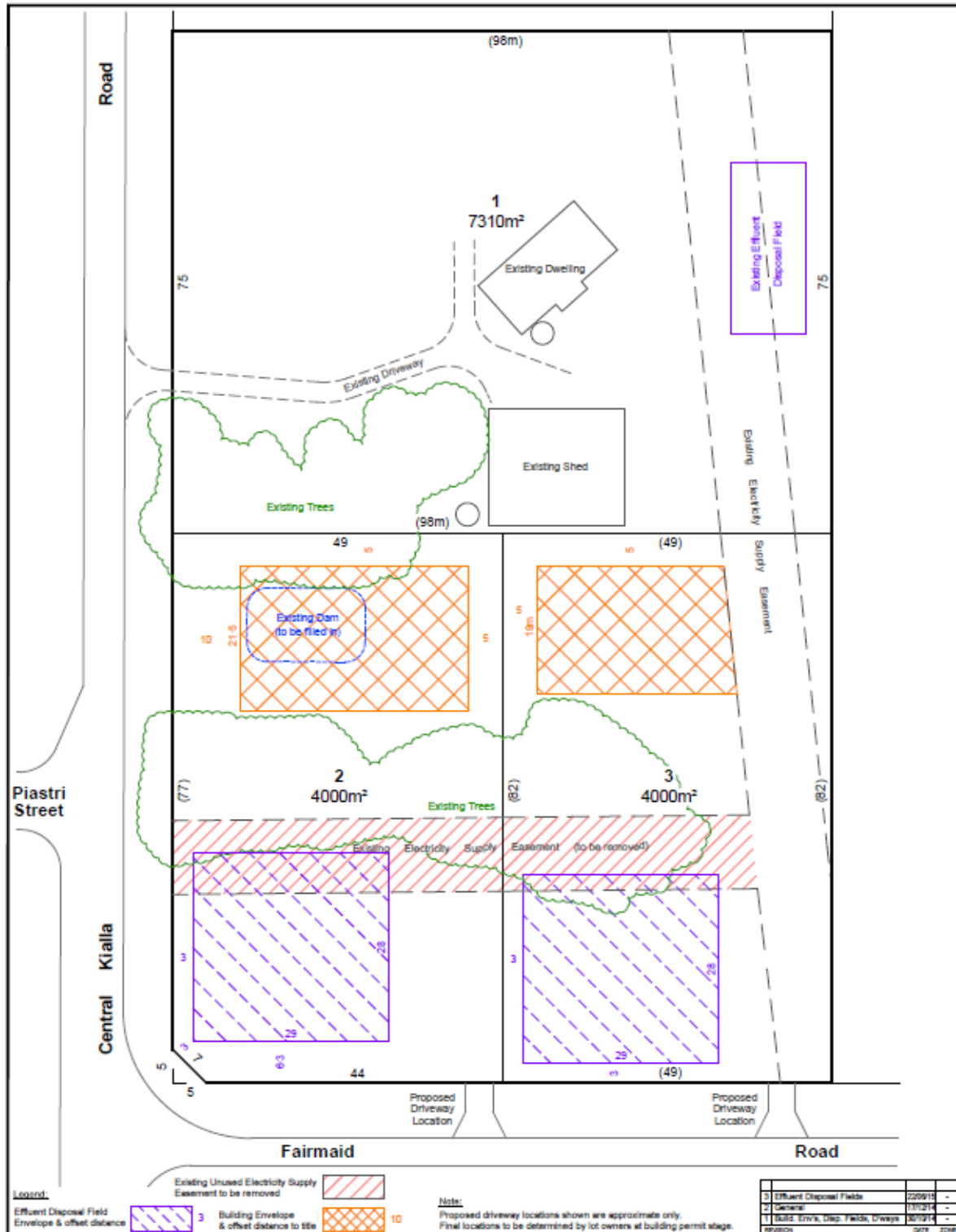
Responsible Officer:	Andrew Dainton
Amended Permit Number:	2014-358
Applicants Name:	C B Bruinier
Date Amendment Received:	17 December 2014
Statutory Days:	57 (9/10/15)
Land/Address:	105 Central Kialla Road KIALLA VIC 3631
Zoning and Overlays:	Low Density Residential Zone Land Subject to Inundation Overlay Abuts RDZ1 and FZ
Why was the amendment required?	Amended plans required to relocate effluent envelopes to meet health requirements and consequently relocate building envelopes
Why is a permit required (include Permit Triggers):	Subdivision in the LDRZ under 32.03-3 Subdivision in the LSIO under 44.04-2 Variation to electricity supply easement under 52.02 Subdivision of land adjacent to a RDZ1 under 52.29
Are there any Restrictive Covenants on the title?	No

## Proposal

The application proposes a three lot subdivision of the land in the Low Density Residential Zone to create a 7310sqm lot for the existing dwelling and two new lots of 4000sqm which will have frontage to Fairmaid Road, Kialla. The application proposes no new vehicle access to Central Kialla Road, which is a RDZ1.

It is also proposed to remove part of the electricity supply easement from the land. The electricity easement includes an east west and north south alignment. The north south easement is being retained as it contains overhead lines. It is proposed to remove the east west easement as no electricity infrastructure is contained within the easement or proposed to be in future.

A plan of the proposed subdivision in the amended application is below.



## Summary of Key Issues

- That the north-south layout is most suited for safe access to Fairmaid Road, and is a requirement of VicRoads which does not permit new access from Central Kialla Road if access is possible from a minor road as in this case. New access for two lots is not favoured by one objector, who wished to see Fairmaid Road retain a more spacious rural feel. The applicant's proposal meets VicRoads requirements and is acceptable to planning criteria.
- There are two objectors from Fairmaid Road. The objector from abutting land on the east side at 1 Fairmaid Road does not want their street number to change for personal and business reasons, but otherwise has no objection to the subdivision. For reasons explained further in this report the necessary change to street numbering under the Australian Standard will affect 1 Fairmaid Road, which would become 1C Fairmaid Road, but no other properties in the road would need to have existing numbers changed. An objection to subsequent re-numbering of properties is not a sustainable reason to refuse a subdivision.
- The second objection from 7 Fairmaid Road also cites objection to any change to street re-numbering again on personal and business reasons. In addition, this objector suggested the two new lots be rotated to position new access from Central Kialla Road and stated that additional entrances from Fairmaid Road would make this section of Fairmaid Road 'a cluttered ugly mess'. The objector believes that as Fairmaid Road was a minimum 10 acre (4 hectare) subdivision they don't believe this proposal falls within planning guidelines. The third concern of this objector was that the proposed alignment of the two new lots with the planned effluent disposal areas poses a health hazard due to flooding of the land backing up from the table drain after heavy rain.
- All servicing is satisfactory as the LCA submitted shows that wastewater can be treated and retained within each proposed lot, and service authorities have provided appropriate conditions for any permit.
- Subject to no new access from the main road the subdivision will be satisfactory to Clause 52.29 and VicRoads.
- Considering the comments from GBCMA and Council's Development Engineers the provisions for stormwater from the site or passage of floodwater and hazard from flooding has been considered and is satisfactory. Drainage can be treated before leaving the site.
- The subdivision does not propose removal of vegetation and none might be necessary in future, however the trees are most likely planted and therefore not protected and are not particularly valuable species in any case. The trees may prove to be inappropriate to future development and replacement with more suitable vegetation may occur as development on the lots progresses.



- A public open space contribution of 3% for LDRZ subdivision will be required under Clause 52.01.
- The easement proposed to be removed is not needed by Powercor which has no objection to the application and has provided appropriate conditions.
- Application is supported by policy for subdivision in Low Density Residential Zone (LDRZ) and is in keeping with surrounding development within the township of Central Kialla. The LDRZ of Central Kialla does not extend to the properties along Fairmaid Road which are in Farming Zone 1.
- All policy and decision guidelines have been considered and found to be satisfied.

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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Amended Planning Application No. **2014-358** 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 32.03, 44.04, 52.02 and 52.29** of the Greater Shepparton Planning Scheme in respect of the land known and described as **105 Central Kialla Road KIALLA VIC 3631**, for the **three lot subdivision in the Low Density Residential Zone, Land Subject to Inundation Overlay, land adjacent to a Road Zone Category 1 and for variation of an electricity supply easement** in accordance with the Notice of Decision and the endorsed plans.

### Moved by Colin Kalms

### Seconded by Braydon Aitken

That Council having caused notice of Amended Planning Application No. **2014-358** 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 32.03, 44.04, 52.02 and 52.29** of the Greater Shepparton Planning Scheme in respect of the land known and described as **105 Central Kialla Road KIALLA VIC 3631**, for the **three lot subdivision in the Low Density Residential Zone, Land Subject to Inundation Overlay, land adjacent to a Road Zone Category 1 and for variation of an electricity supply easement** 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 on numerous occasions including on 29/9/2015 at 2:30pm.

The site has a total area of **15,310** square metres and currently contains:

One dwelling and associated outbuilding and effluent field at the north end of the land, all of which is proposed to be fully located within lot 1, which has existing access to Central Kialla Road. The southern end of the lot which is proposed to be subdivided into lots 2 and 3 is vacant, and has a stand of red gum trees as a belt across the centre of both proposed new vacant lots, such trees may well have been planted by the property owner. The southern end of the land abuts Fairmaid Road.

To the east along both sides of Fairmaid Road is a rural residential subdivision of 4 hectare lots each with a dwelling. These lots are in a Farming Zone 1.

Directly to the south is a row of 4000 sq m lots in the LDRZ that each front Central Kialla Road, and development further south includes a rural fire station and a public hall.

Opposite the land to the west across Central Kialla Road are residential lots of Central Kialla and a primary school. The dwelling lots in Central Kialla are large as no sewerage is available, most lots are 4000 sq m in size, and there are some in Dean Drive that are 2000 sq m.

The Photos below show the existing site:



Looking south along Central Kialla Road showing the existing access to the dwelling on the land which will be retained in Lot 1.



View north along Central Kialla Road from Fairmaid Road showing part of proposed Lot 2.



Looking north-east from the corner of proposed Lot 2 at the intersection of Central Kialla Road and Fairmaid Road. Shows the stand of trees that run east to west across proposed lots 2 and 3. The trees are approx 40m from Fairmaid Road with the depth of lots being 82m.



Looking from the corner of Central Kialla Road east along Fairmaid Road showing the frontages of future lots 2 and 3.



View north-west from Fairmaid Road looking across proposed Lot 3.



Looking north from Fairmaid Road along the eastern boundary of proposed lot 3. Shows the existing gateway to the vacant southern portion of the land.



The above aerial photo from December 2014 shows the land outlined in blue, the applicant's house and shed on the land, Central Kialla houses on the west side of Central Kialla Road and the north side of the land, and 1 Fairmaid Road to the east of the land.

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## Permit/Site History

- No relevant previous history

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## Further Information

A Land Capability Report was requested on 27th February 2015. The report was to include locations for proposed effluent disposal fields and reserve fields if required.

The LCA was prepared by BM Civil Engineers and submitted by the applicant on 1 June 2015.

An amended application was submitted by the applicant on 30/6/15 to alter the site plans to show revised effluent disposal fields for proposed lots 2 & 3 to accord with the LCA report by BM Civil and to comply with the Council's Health Department requirements

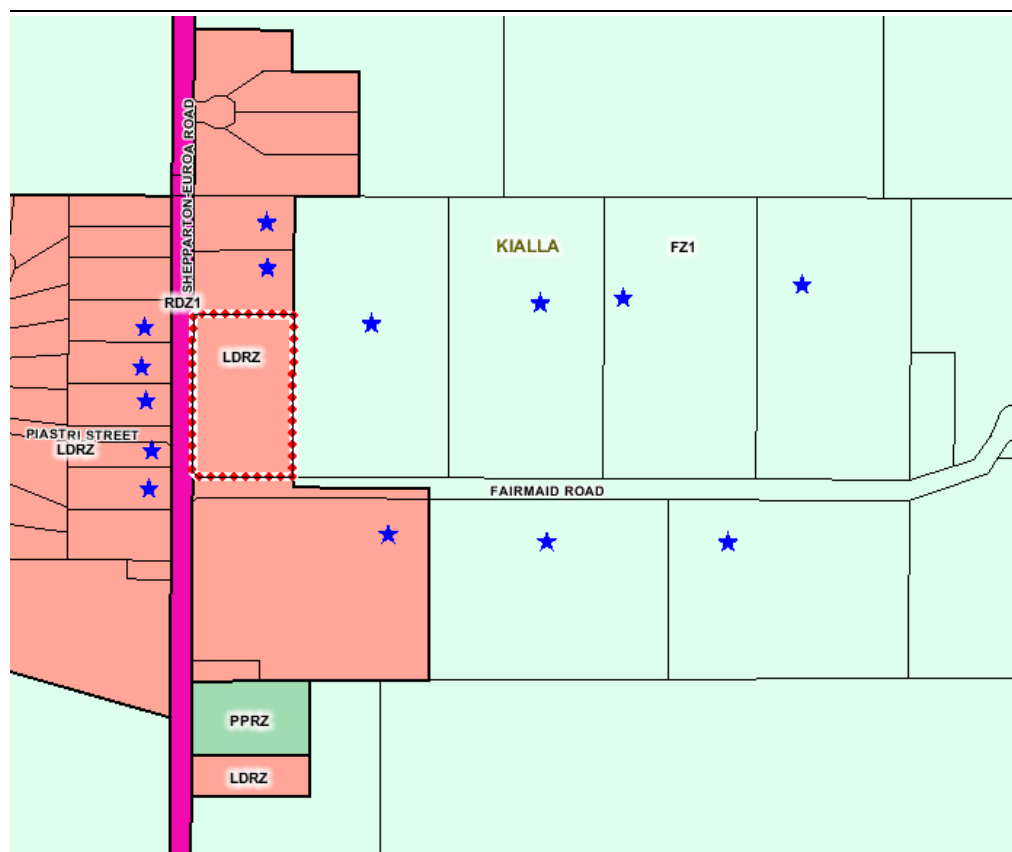
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## Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description; 'three lot subdivision and variation to an electricity supply easement', by:

- Placing a sign on site.
- Sending a letter and attached notice to the owners and occupiers of adjoining and nearby land.

The plan below shows the properties included in the notification.



The applicant provided a signed declaration stating that the sign on site was displayed on the land between 2/2/15 to 19/2/15.

The application was exempt from being advertised in relation to the permission required under Clause 44.04-4 (LSIO) of the planning scheme.

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## Objections

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

- Will not agree to any existing street numbers in Fairmaid Road being altered for existing properties to accommodate new lots as this has happened once before with continuing problems, and with a business operating from the site with a large number of clients, relying on the current street address not altering.
- Would prefer to see lots oriented to Central Kialla Road rather than Fairmaid Road as the entrances will look crowded (compared to 10 acre lots along Fairmaid Rd). Believes that Fairmaid Road has a minimum 10 acre subdivision size and that subdivision doesn't fall within this planning guideline.
- Concerned with two lots having effluent disposal near Fairmaid Road end of land, posing a health risk due to the fact that after heavy rain the land is flooded by water that backs up from the table drain which would result in effluent being discharged into Fairmaid Road.

Response:

The application has been designed to meet the VicRoads requirement that for safety reasons no new access is permitted for subdivision of property on a Road Zone Category 1, where alternative access is possible. In respect to street numbers, the concern of the objector at 1 Fairmaid Road is valid. While street re-numbering takes place after subdivisions are approved, in response to the objections about street re-numbering, Council staff have looked at possible solutions to avoid re-numbering of existing properties while minimising confusion such as to allocate two new numbers say 109A and 109B Central Kialla Road to the new lots.

Unfortunately after further investigation it appears that re-numbering of 1 Fairmaid Road is unavoidable by reference to the Australian/New Zealand Standard AS/NZS 4819:2011 which must be followed. The Standard is very specific about the form of street numbers as they are crucial in enabling an address site to be readily locatable by emergency service responders and service delivery providers. Out of sequence numbering whether by numbers and/or use of alpha suffixes is not permitted, so although it is acknowledged that it will be a nuisance to 1 Fairmaid Road, it appears that in this situation the solution must be for proposed lots 2 and 3 which have access to Fairmaid Road to be numbered 1A and 1B, and the existing 1 Fairmaid Road will be re-numbered in future to 1C Fairmaid Road.

The street numbering for the remainder of Fairmaid Road properties will not alter.

The need for re-numbering of properties that may arise due to re-subdivision of properties is not a supportable reason for a planning authority to refuse an application for subdivision.

One objector expressed concern about the appearance along this section of Fairmaid Road compared to the existing 10 acre lots. The applicant's plan shows effluent envelopes at the front of each of the two new lots which will preclude buildings or other development over this area. Dwelling and associated outbuildings would be expected on the northern portion of lots 2 and 3. This should retain an open appearance apart from two vehicle entrances which will be similar standard and appearance to other driveways along Fairmaid Road.

The subject land is in the Low Density Residential Zone as part of Central Kialla township, which differs to the remaining existing properties which are located in the Farming Zone 1. Lots in the township are for residential purposes and the larger size required in Low Density Residential Zone compared to the General Residential Zone is because sewerage is not available therefore wastewater must be able to be treated and retained within each lot.

The Land Subject to Inundation Overlay plan shown later in this report shows that part of proposed lot 2 is inundated in a 100 year flood event. A wastewater treatment system designed in accordance with the Land Capability Assessment by BM Civil and in accordance with Council's Environmental Health Department requirements will cope with the land conditions found at the site and is required to retain all wastewater within each of the



individual lots. The method of treatment must provide for satisfactory operation during local flooding.

Drainage available to the land has been assessed by Council's Development Engineers as satisfactory and a detailed design must be approved before the certification of a plan of subdivision.

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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 undertaken in respect of further information of a Land Capability Assessment which led to an amended application for altered building and effluent envelopes, see relevant sections of this report.

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## Referrals

External Referrals Required by the Planning Scheme:

■ Section 55 - Referrals Authority	■ List Planning clause triggering referral	■ Determining or Recommending	■ Advice/Response/Conditions
GBCMA	44.04-5	Recommending	No objection, no conditions. 100 year ARI flood levels have been declared for the area and would be used to establish floor levels for any future dwellings.
GVW	66.01	Determining	No objection. Commented that wastewater would have to be adequately treated within each lot should be established. Note: Council Health requested an LCA.
Powercor	66.01	Determining	No objection subject to usual conditions for power supply and easements, and adjusting any easements to accord with usage for power lines.
APA	66.01	Determining	No objection

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## Notice to Authorities

External Notice to Authorities:

■ Section 52 - Notice Authority	■ Advice/Response/Conditions
Vic Roads	No objection to the proposal as submitted
GMW	No objection subject to usual conditions for a LDRZ subdivision where wastewater treatment is contained within the lots, and conditions for rural and domestic water supply arrangements.

Internal Notice:

■ Internal Council Notices	■ Advice/Response/Conditions
Development	Usual conditions for subdivision including drainage plans for independent drainage for each

Engineers	lot and connection to legal point of discharge, and construction of new vehicle crossings
EHO	Requested an LCA before making a formal response, and following the LCA by BM Civil, requested a Section 173 agreement to control future development and maintenance of future wastewater disposal systems, and a condition requiring application for a septic tank permit.

## Assessment

### The zoning of the land

Low Density Residential Zone (LDRZ)

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

A permit is required to subdivide land and each lot must be at least 4000sqm as the land is not serviced by reticulated sewerage.

Clause 32.03-6 includes decision guidelines.

### Subdivision

- *The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.*
- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*
- *In the absence of reticulated sewerage:*
  - *The capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment*
  - *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.*

The application satisfies the requirements and decision guidelines for the LDRZ. The lots are the minimum necessary to treat wastewater according to the LDRZ, and the LCA has assessed the ability to treat wastewater within the effluent envelopes as shown on the applicant's plan. Each lot will provide its own water supply. There is no stated intention to remove vegetation from the lot whether it would have an exemption or not on the basis of being previously planted. At 0.4 hectares the new lots would not get an exemption on the basis of site area.

The subdivision including the requirements to be met under proposed permit conditions satisfy the servicing requirements of Clauses 56.07-1 to 56.07-4.

## **Relevant overlay provisions**

### **Land Subject to Inundation Overlay (LSIO)**

#### **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 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 permit is required for subdivision of land within LSIO.

#### **Local floodplain development plan**

*If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.*

#### **Exemption from notice and review**

*An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.*

#### **Referral of applications**

*An application must be referred to the relevant floodplain management authority under Section 55 of the Act*

#### **Decision guidelines**

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

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

### **Decision Guidelines – Greater Shepparton Local Floodplain Development Plans**

*In addition to the Decision Guidelines in Clause 44.03-5, before deciding on an application, the responsible authority must consider the following relevant local floodplain development plans, which has been incorporated at Clause 81 of this scheme;*

- *Precinct of Honeysuckle Creek and Seven Creeks (2006)*

The application was referred to the CMA which had no objection noting that a flood level of 115.6 metres AHD has been declared for the site. This flood level would be relevant for establishing the minimum flood protection floor level for the construction of dwellings at a later date.

It is considered that the subdivision is reasonable considering the requirements and decision guidelines of the overlay, which covers a portion of the proposed lots 1 and 2. While dwellings can be constructed within LSIO with appropriate floor levels, part of lot 2 and all of lot 3 is outside the LSIO, and flood free egress is available from lots to the township.

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

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

##### **Objective**

*To assist the protection of:*

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

Response: The three lot subdivision will have no impact on the floodplain and will not be affected, provided that wastewater can be satisfactorily treated and retained within each lot. The subdivision is satisfactory under the LSIO. GBCMA has responded with no objection.

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**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**

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

Response: The LSIO has been discussed under Overlays and is satisfactory having regard to policy on flooding.

**Relevant Particular Provisions**

**52.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION**

*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 (land in a LDRZ 3% of the land intended to be used for residential purposes, or 3% of the site value of such land, or a combination of both).*

Response: A 3% contribution will be required by condition on the permit. The amount can be used to provide land or improve facilities for public open space, there is a public reserve some 200m south of the land.

**52.02 Easements, Restrictions and Reserves**

**Purpose**

*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.*

Under Clause 52.02 of the Greater Shepparton Planning Scheme, a permit is required before a person proceeds under *Section 23 Subdivision Act 1988* to remove a registered restrictive covenant and easement.

**Decision guidelines**

*Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.*

Response: The easement is for the benefit of Powercor which has provided a referral response that the easements do not conform to the existing or future alignment of powerlines and are not required. Permit conditions have been forwarded by Powercor in relation to creation of any new easements that may be required.

**52.29 Land Adjacent to a Road Zone Category 1**

**Purpose**

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

A permit is required:

- *for subdivision of land adjacent to a road in a Road Zone Category 1;*
- *to create or alter access to a road in a Road Zone Category 1.*

This application has proposed a configuration of lots whereby the two new vacant lots have frontage to Fairmaid Road and new access can be created from this side road. Accordingly no permission is required under this Clause to create or alter vehicle access. The application for subdivision was notified to VicRoads which responded with no objection to the subdivision.

#### **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: (My numbering of guidelines for convenient reference)*

- 1. The matters set out in Section 60 of the Act.*
- 2. The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- 3. The purpose of the zone, overlay or other provision.*
- 4. Any matter required to be considered in the zone, overlay or other provision.*
- 5. The orderly planning of the area.*
- 6. The effect on the amenity of the area.*
- 7. The proximity of the land to any public land.*
- 8. Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- 9. Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- 10. The extent and character of native vegetation and the likelihood of its destruction.*
- 11. Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- 12. 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.*

#### **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:

- 13. The suitability of the land for subdivision.*
- 14. The existing use and possible future development of the land and nearby land.*
- 15. The availability of subdivided land in the locality, and the need for the creation of further lots.*
- 16. The effect of development on the use or development of other land which has a common means of drainage.*
- 17. The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*

18. *The density of the proposed development.*
19. *The area and dimensions of each lot in the subdivision.*
20. *The layout of roads having regard to their function and relationship to existing roads.*
21. *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
22. *The provision and location of reserves for public open space and other community facilities.*
23. *The staging of the subdivision.*
24. *The design and siting of buildings having regard to safety and the risk of spread of fire.*
25. *The provision of off-street parking.*
26. *The provision and location of common property.*
27. *The functions of any body corporate.*
28. *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
29. *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.*
30. *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*

Response to numbered guidelines above:

1. To 4. The subdivision satisfies the matters in the Act and planning policy, zone, overlay and particular provisions have been considered under those headings above.
5. The three lot subdivision is consistent with development within this township location and with the LDRZ and together with consideration of all other required matters constitutes orderly planning.
6. The subdivision creating two new lots will not create a loss of amenity for the area. The density of dwellings that will result from the new lots accords with existing subdivision pattern within this township location of LDRZ. While there has been concern expressed by an objector of additional driveways in Fairmaid Road as an undesirable consequence, having two crossings over a distance of 100m is not considered to create a material loss of amenity for the owners of lots further east in the Farming Zone. The next driveway on the north side is 100m further to the east.
7. Not applicable
8. And 9. There will be some stormwater that runs off gravel driveways and turning areas compared to grass in a paddock as at present. Stormwater from roof areas would be expected to be stored for re-use as a potable water supply. As the land is essentially flat there should be no velocity involved with minimal sediment. It is important that the LCA determines that wastewater can be adequately treated including in times of flooding, so that no contaminated discharge results from the new lots.
10. And 11. There is native vegetation in a band of red gum trees that will be central to new lots 2 and 3. The plans show building envelopes and effluent envelopes clear of this vegetation. The access driveway to the building envelope of lot 3 can certainly avoid removing any trees. The access driveway to lot 2 may need minor tree removal. Although the subdivision of the lots at 0.4ha each does not change the status of allowable tree removal, it is considered likely that the trees whilst generally large were

- planted as a shelter belt and are not protected by Clause 52.17 of the scheme. The trees will cause some problems in a more closely settled residential environment and many will likely be removed once development occurs due to danger to buildings and persons, and replaced with more appropriate landscaping.
12. The flood hazard has been considered under policy and LSIO and by referral to GBCMA and considered to be satisfactory and future development will have to comply with floor level requirements to dwellings, access will be within acceptable limits in LSIO.
  13. The land is suitable for this subdivision which replicates existing development in Central Kialla and particularly along the main road. The land is of a size where requirements for water and wastewater can be catered for on site, other services are available to the standard expected in a small low density rural township locality.
  14. The subdivision will have no effect on future subdivision of other land in the locality. The expected development will be one dwelling on each lot which is compatible with similar development in the area.
  15. There are very few vacant lots available in this locality. There is expected to be a demand for the two new vacant lots.
  16. Council Development Engineers have considered the proposal and have no objection provided that the permit contain a condition requiring a site drainage plan and discharge to the Council drain as the legal point of discharge. Urban Stormwater Best Practice Environmental Management Guidelines 1999 must be incorporated in a water sensitive urban design for drainage.
  17. While east-west configuration of lots 2 and 3 may have placed the tree belt in line with the lots rather than across, it is unlikely that the future of those trees would be much different as the proximity to dwellings would remain the same. Such configuration may have provided slightly higher ground within both lots but would not have been permitted by VicRoads for safety reasons of additional vehicle access points to the main road. On balance as the applicant has chosen a north south configuration which considering all decision guidelines produces an acceptable result, this has to be accepted. It is not open to a responsible authority to require a different application in this circumstance.
  18. The density accords with the LDRZ requirements for locations where sewerage is not available, and compliments surrounding development within the LDRZ.
  19. The dimensions of the lots are well proportioned length to width, allow energy efficient dwelling design, and produce acceptable envelopes for building and for wastewater disposal with appropriate boundary setbacks and avoids the existing vegetation as shown by the plan submitted with the application.
  20. No new roads are proposed.
  21. Vehicles and pedestrians will access the two new lots via driveways to the minor road Fairmaid Road which is a preferable result for safety.
  22. A public open space contribution of 3% of site value will be required under Clause 52.01 which will contribute to provision of land or improvement of facilities. There is an open space reserve about 200m south of the land.
  23. No staging is proposed.
  24. No new buildings are proposed by this application for subdivision. Water supply for new dwellings in future will be required to incorporate storage for fire fighting.
  25. The lots can provide for adequate off-street car parking.



26. There is no common property proposed.
27. No body corporate is required or proposed.
28. Water to be provided and stored on site and sewerage treated and retained on site as previously discussed. Electricity and drainage is available to the site.
29. The LCA prepared by BM Civil Engineers shows that wastewater can be treated and retained within each lot.
30. No open space areas being provided in the subdivision.

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

The *Greater Shepparton Floodplain Development Plan – Precinct of Honeysuckle and seven Creeks October 2006 Floodplain Management Plan* is relevant to the Overlay but is fully considered under the provisions of clause 44.04. A dwelling will be permitted within each lot provided that the floor level is 300mm above 100 year ARI flood level.

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

- There are no other relevant adopted State policies or strategies that relate to the application.

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

- There are no relevant Planning Scheme amendments that relate to the application.

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

- There are no significant social and economic effects that relate to the application.

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

- There are no other relevant Acts that relate 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' does not include the land within an area of cultural heritage sensitivity or involve significant earthworks; therefore the subdivision does not trigger the need for a CHMP.

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

The application and its decision making process is not considered to impact on the Charter of Human Rights and Responsibilities.

## **Conclusion**

It is considered that the proposal for a three lot subdivision of land and removal of part of an easement will produce an acceptable planning outcome having regard to policy and decision guidelines for subdivision in the Low Density Residential Zone, 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:** 2014-358  
**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:** 105 CENTRAL KIALLA ROAD KIALLA VIC 3631

**WHAT THE PERMIT WILL ALLOW:** THREE LOT SUBDIVISION IN THE LOW DENSITY RESIDENTIAL ZONE, LAND SUBJECT TO INUNDATION OVERLAY, LAND ADJACENT TO A ROAD ZONE CATEGORY 1 AND FOR VARIATION OF AN ELECTRICITY SUPPLY EASEMENT

## WHAT WILL THE CONDITIONS OF THE PERMIT BE?

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- Layout Not Altered**  
The subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
- Removal of Easements**  
The applicant is directed to lodge at the Land Registry a Certified Plan showing the following:  
Removal of part of easement E2 (electricity supply purposes) on LP117422 from the land in Certificate of Title Vol. 09131 Fol. 640 as shown on the Plan of Removal of Easement drawn by Chris Smith & Associates Ref 14116/01 Rev 3 dated 22/06/15 and endorsed under this permit.
- Section 173 Agreement**  
Before the issue of a Statement of Compliance, the owner must enter into an agreement with the responsible authority, pursuant to Section 173 of the *Planning and Environment Act 1987*. This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide for the following requirements.  
Unless with the prior approval obtained in writing from Council's Environmental Health Department;

- a) The number of bedrooms for any single dwelling on Lots 2 and 3 shall be restricted to 4 bedrooms. In accordance with the Environment Protection Authority's Code of Practice Onsite Wastewater Management, Publication 891.3 February 2013, a bedroom may include any additional room shown on the house plan such as a study, library and sunroom.
- b) All wastewater from any single dwelling on Lots 2 and 3 must be treated to a minimum of 20mg/L Biological Oxygen Demand and 30mg/l Suspended Solids using an EPA approved wastewater treatment plant or equivalent. The system must be installed, operated and maintained in accordance with the relevant EPA Code of Practice, Australian Standard, Certificate of Approval and manufacturer's specifications.
- c) The effluent disposal method for lots 2 and 3 must be pressurised subsurface irrigation and installed in accordance with the Australian Standard AS1547.
- d) The owner must allocate and maintain an area of not less than 650m<sup>2</sup> to be set aside solely for the purpose of effluent disposal on lots 2 and 3.
- e) The location of the effluent disposal area on lots 2 and 3 will generally be in accordance with the attached plan, prepared by Chris Smith & Associates Drawing No. 14116/01 revision 3. Any variation to the effluent disposal areas must be to the satisfaction of Council's Environmental Health Officer and the responsible authority.
- f) No buildings, out buildings, driveways, pools, paths, or any other type of construction is permitted within 3m of the effluent disposal area.
- g) The trees existing within lots 2 and 3 at the permit date are to be retained as part of the landscaping of the site except with the further written permission of the responsible authority, or as emergency works where the tree presents an immediate risk of personal injury or damage to property and only that part of vegetation which presents the immediate risk is removed, destroyed or lopped.

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.

Please note that a Section 173 Agreement is required to be adopted by a resolution of the Council and a Statement of Compliance will not be issued until the agreement is lodged for registration.

#### **4. Independent Drainage**

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

- a) Direction of stormwater runoff;
- b) A point of discharge for each lot to connect into headwalls of new driveway crossovers;
- c) Independent drainage for each lot; and
- d) Documentation demonstrating approval from the relevant authority for the point of discharge.

Incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.

Before the Statement of Compliance is issued all stormwater and surface water drainage from the land, buildings and works must be connected to the legal point of discharge to the satisfaction of the responsible authority.

Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.

**5. Vehicle Crossing Requirements**

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 crossings must be constructed at the owner's expense.

The vehicle crossing for all lots 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 crossings are to be approved by the responsible authority via a 'Works within the Roads Reserve' (Road Opening)' permit.

**6. Health Department Requirements**

- Prior to the commencement of any development on lots 2 and 3, the owner shall lodge with the Council an application to Install / Alter a Septic Tank System in accordance with the Environment Protection Authority Code of Practice – Onsite Wastewater Management, Publication 891.3, February 2013.
- The application to Install a Septic Tank System shall include:
  - The application form provided by the Council completed, signed and dated by the owner.
  - A floor plan of the proposed dwelling.
  - A site plan indicating the location of the effluent disposal area / reserve area.
  - The design of the effluent disposal system including instructions for installation and working drawings.
  - The current application fee.
  - A Certificate to Use a Septic tank System must be issued prior to the Occupancy Certificate being granted.

**7. Provision of Services Underground**

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

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

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

**9. Construction of Works**

Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the

owner must construct and complete road works, drainage and other civil works, in accordance with endorsed plans and specifications approved by the Responsible Authority and in accordance with the Infrastructure Design Manual. Road works, drainage and other civil works to be constructed must include;

- a) drainage works shown on the endorsed Drainage Discharge Plan have been constructed to the satisfaction of the responsible authority;
- b) stormwater treatment measures have been constructed or as otherwise agreed to in writing by the Responsible Authority;
- c) vehicular access to all lots must have been constructed to Councils' IDM standard drawing SD255; and
- d) Fencing in accordance with the endorsed plans.

**10. 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.

**11. Goulburn Murray Water Requirements**

- Before the Statement of Compliance, the existing on-site wastewater treatment and disposal systems must be wholly contained within the boundaries of the new lot created by subdivision. All wastewater must be disposed of via connection to the existing septic tank system. If necessary, the system must be upgraded to the satisfaction of Council's Environmental Health Department.
- Should water supply be required to the new lot(s) created by subdivision, the Plan of Subdivision submitted for Certification must show appropriate water supply easement(s).
- For subdivision of property holding delivery shares the applicant must either:
  - a) make application to GMW pursuant to sections 224 and 229 of the *Water Act 1989* to: terminate the delivery shares in relation to the property; make a declaration that the property cease to be a serviced property (to effect excision from the district); and trade or transfer any Water Share in relation to the property; or alternatively
  - b) demonstrate to G-MW's reasonable satisfaction the means by which a GMW water supply will be metered and delivered to the lots created by the subdivision, bearing in mind requirements for water use licences and annual use limits.
- Any Plan of Subdivision lodged for certification must be referred to GMW pursuant to Section 8(1)(a) of the Subdivision Act.

**12. 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
  - i. 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).
- ii. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
  - iii. Any construction works must comply with Energy Safe Victoria's "No Go Zone" rules.
  - iv. 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 power lines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
  - v. Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
  - vi. 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.
  - vii. 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.

### **13. 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.

### **14. 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.

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

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

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



## Application Details:

Responsible Officer:	Ronan Murphy
Application Number:	2015-198
Applicants Name:	A Yildirim
Date Application Received:	18 May 2015
Statutory Days:	77 (9/10/15)
Land/Address:	51 Callister Street SHEPPARTON VIC 3630
Zoning and Overlays:	General Residential Zone
Why is a permit required (include Permit Triggers):	32.08-2 Subdivision in the General Residential Zone 32.08-4 Construction and extension of two or more dwellings on a lot
Are there any Restrictive Covenants on the title?	Nil

## Proposal

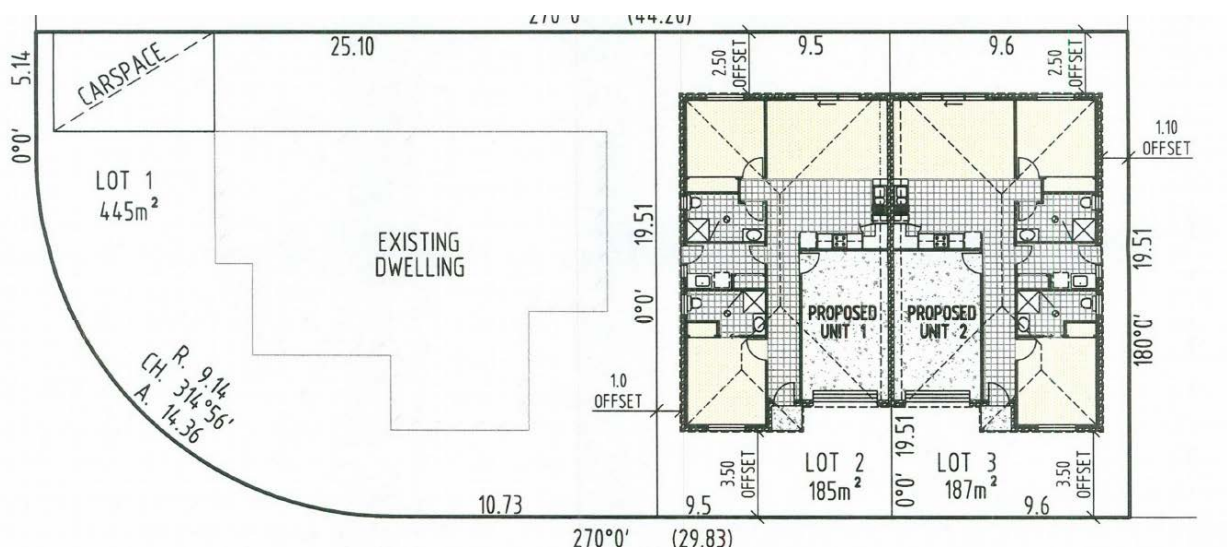
The proposal comprises of a three lot subdivision and the construction of a dwelling on each of proposed lot 2 and 3 at 51 Callister Street, Shepparton.

The land is within the General Residential Zone and is not affected by any overlays.

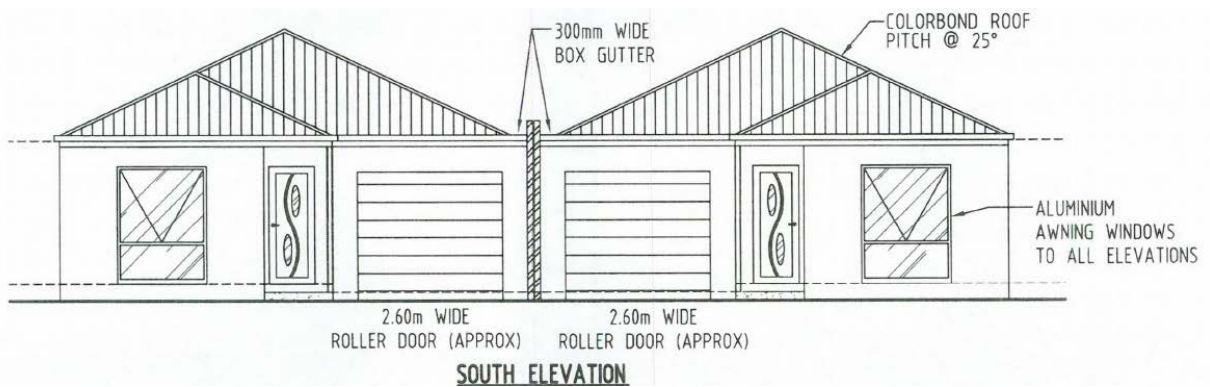
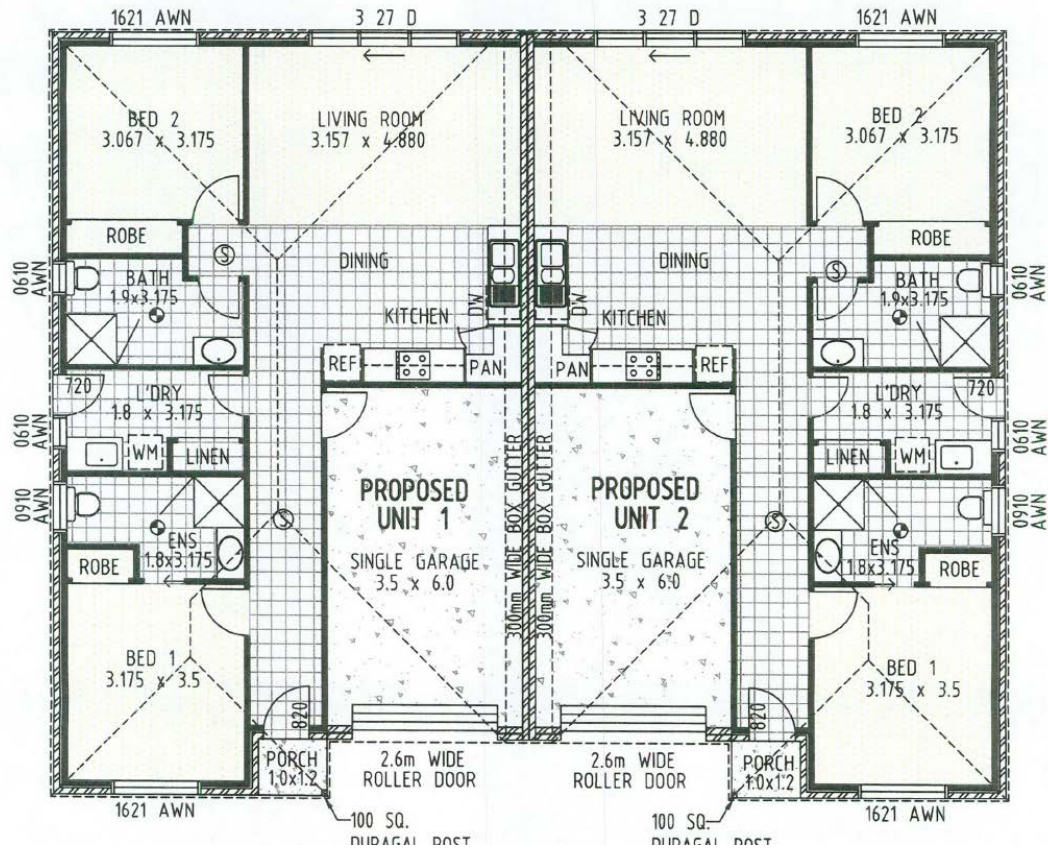
The proposal seeks to create a three lot residential development with lots of the following sizes:

- Lot 1 445m<sup>2</sup>
- Lot 2 185m<sup>2</sup>
- Lot 3 187m<sup>2</sup>

The proposed layout is shown below:



The proposed dwellings would have the following design:



A Planning Permit is required pursuant to the following provisions:

- Clause 32.08-2 of the Planning Scheme for subdivision in the General Residential Zone

- Clause 32.08-3 of the Planning Scheme for the construction of a dwelling on a lot less than 300m<sup>2</sup>
- Clause 32.08-4 of the Planning Scheme for the construction and extension of two or more dwellings on a lot.

It is noted that the applicants lodged a general enquiry in December 2014 with a matching layout. In this case the planning officer stated:

*“Based on the LMS plans it is considered that the proposed development is clearly an over development of the land”*

The proposal would not comply with the provisions of Clause 56 of the Planning Scheme for the following reasons:

#### Standard C7

The subject land is not within 400m walking distance of an activity centre.

Further to the above, it is considered that the proposal would not comply with the provisions of Clause 21.04-2 of the Planning which identifies the land as being within an incremental change area. In light of this, it was considered that proposal would not comply with the provisions of the Planning Scheme and would represent an overdevelopment of the land. The proposal land is within the Incremental Change Area which seeks medium density residential growth of land within established residential areas, the proposal is considered to be a high density response.

The applicants were made aware of the position of the Planning Department and in response the application was subsequently amended to increase the size of the open space to 29m<sup>2</sup>.

It is considered that the amendment would not change the overall assessment of the proposal and it is considered that the proposal would not comply with the provisions of the Planning Scheme and would represent an overdevelopment of the land.

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## Summary of Key Issues

The application comprises of a three lot subdivision and the construction of a single dwelling on each of lots two and three.

The application was referred to APA, Goulburn Valley Water and Powercor and no objections were received.

The application was referred to Councils Development Engineers, who did not object to the proposal.

The application was notified to surrounding properties and no objections were received.

## Recommendation

### Refusal

That the Council having caused notice of Planning Application No. **2015-198** 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* decides to refuse to Grant a Permit under the provisions of **21.04-2, 55,56 and 65** of the Greater Shepparton Planning Scheme in respect of the land known and described as **51 Callister Street SHEPPARTON VIC 3630**, for the **Three lot subdivision and buildings and works for a dwelling on a lot less than 300m2 on proposed lots 2 and 3.**

#### For the following reasons:

1. The proposal is not consistent with the Clause 21.04-2 (Housing Change Area) of the Local Planning Policy Framework which identifies the land within the incremental change area; the proposal would not comply with the objective of the Incremental Change Area to support low scale, medium density which respects the character of the area.
2. The incremental change area seeks to provide for low scale medium density residential development in areas that are in proximity to services including shops. The subject land is not in proximity to any service centres and therefore cannot achieve this outcome.
3. The proposal does not compliment the existing character of the area and does not meet the objectives of Clause 55 and 56 of the Planning Scheme.
4. The proposal would not compliment the amenity of the area and would not comply with the orderly planning of the area. The proposal is far beyond the scale of residential development in the area and would not comply with the decision guidelines set out in Clause 65 of the Planning Scheme.

## **Moved by Colin Kalms**

### **Seconded by Jonathan Griffin**

That the Council having caused notice of Planning Application No. **2015-198** 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* decides to refuse to Grant a Permit under the provisions of **21.04-2, 55,56 and 65** of the Greater Shepparton Planning Scheme in respect of the land known and described as **51 Callister Street SHEPPARTON VIC 3630**, for the **Three lot subdivision and buildings and works for a dwelling on a lot less than 300m2 on proposed lots 2 and 3.**

#### **For the following reasons:**

1. The proposal is not consistent with the Clause 21.04-2 (Housing Change Area) of the Local Planning Policy Framework which identifies the land within the incremental change area; the proposal would not comply with the objective of the Incremental Change Area to support low scale, medium density which respects the character of the area.
2. The incremental change area seeks to provide for low scale medium density residential development in areas that are in proximity to services including shops. The subject land is not in proximity to any service centres and therefore cannot achieve this outcome.
3. The proposal does not compliment the existing character of the area and does not meet the objectives of Clause 55 and 56 of the Planning Scheme.
4. The proposal would not compliment the amenity of the area and would not comply with the orderly planning of the area. The proposal is far beyond the scale of residential development in the area and would not comply with the decision guidelines set out in Clause 65 of the Planning Scheme.

**CARRIED**

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## Subject Site & Locality

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

Date: **8/9/15**      Time: **11.19** am

The site has a total area of **846** square metres and currently contains:

- An existing single storey dwelling and associated shedding.

The main site/locality characteristics are:

- The land is located within an established residential area.

The Photos below show the existing site:





## Permit/Site History

There is no planning permit history which relates to the land.

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## Further Information

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

What date was the further information requested?: **N/A**

What date was the further information received?: **N/A**

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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 **Three lot subdivision and buildings and works for the construction of a dwelling on the proposed lot 2 and 3** by:

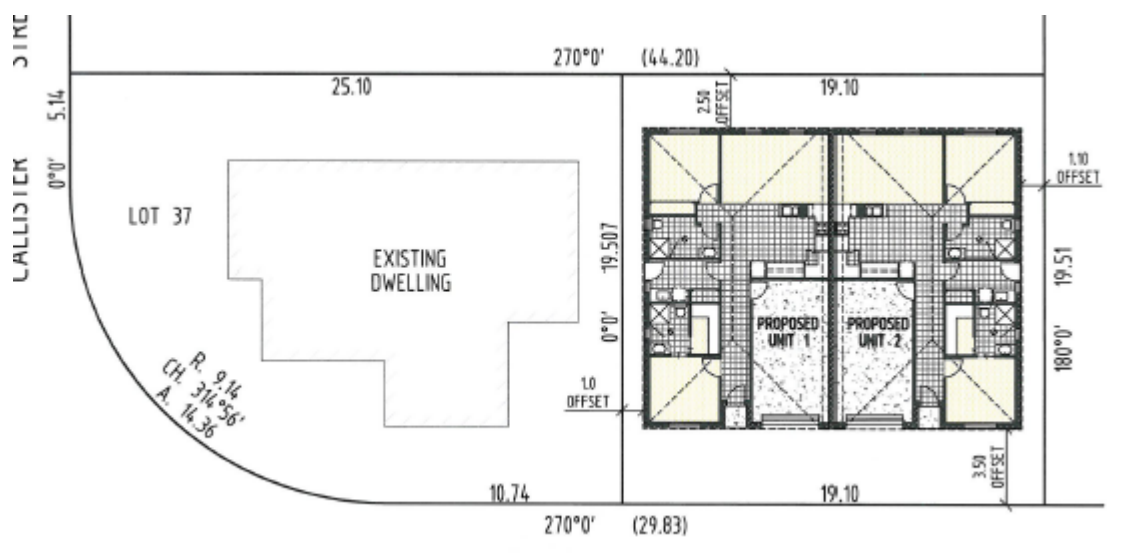
- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.





*The land is more suited to a second dwelling proposal as opposed to two additional dwellings on the land.*

The layout of the proposal being assessed in the general enquiry is as set out below:



#### **Meeting with applicants agent 12/6/15**

The applicants agents were informed that the proposal would be considered an overdevelopment of the site, which was consistent to advises given in the general enquiry in December 2014.

The agent was informed that the likely outcome would be a refusal of the application. However it was noted that if the application was amended to a two lot subdivision, the planning department could support the application.

#### **Meeting with applicant and agents 19/6/15**

The applicant and agents were informed by Planning Officers that the application would not comply with the Planning Scheme and if the application was not amended to a two lot subdivision the likely outcome would be a refusal.

The applicant subsequently amended the application to slightly increase the size of the Secluded Open Space.

### E-mail to applicants agent 17/7/15

We received an amendment to the proposal to increase the size of the spos. However this does not address our concerns regarding the proposal. We are still of the opinion that the proposal presents as an overdevelopment of the site. However we have notified and referred the application.

### Meeting with applicant 14/9/15

Planning officers met with the applicant, the applicant was informed that it was the opinion of the Planning Department that the proposal would represent an overdevelopment of the land. The applicant indicated that he wished the Planning Department to make a decision and that he would go to VCAT.

## Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
APA	66.01	Determining	<p>APT pursuant to Section 56 (1) (b) of the Planning and Environment Act 1987 has no objection to the granting of a permit.</p> <p>APT does not require the plan to be forwarded under Section 8 of the Subdivision Act 1988, and consents to the issue of a statement of compliance at the appropriate time.</p>
Goulburn Valley Water	66.01	Determining	<ul style="list-style-type: none"> <li>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;</li> <li>b) Provision of separate water services and individual water supply meters to each allotment within the development;</li> <li>c) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation;</li> <li>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;</li> <li>e) In the case of multi-tenement development, the works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and include disconnection of any existing house connection drain to the satisfaction of the Corporation's Property Services Section;</li> <li>f) A notation is to be placed on the plan of</li> </ul>

<p>Powercor</p>	<p>66.01</p>	<p>Determining</p>	<p>subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development; Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation;</p> <p>g) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.</p> <p>(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 the Act.</p> <p>(b) The applicant shall:-</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, the 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 and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.</li> <li>• The applicant shall 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.</li> <li>• Any buildings must comply with the clearances required by Electricity Safety (Installations) Regulations.</li> <li>• Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.</li> </ul>
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Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p><i>Before the plan of subdivision is certified under the Subdivision Act 1988, 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 must be provided as electronic copies. The plans must be in accordance with council's Infrastructure Design Manual and include:</i></p> <ul style="list-style-type: none"> <li>a) <i>how the land will be drained;</i></li> <li>b) <i>point of discharge and independent drainage of each lot;</i></li> <li>c) <i>Incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999 or as otherwise agreed to in writing by the Responsible Authority;</i></li> <li>d) <i>An electronic copy of the MUSIC model (or equivalent) used to determine stormwater quality measures.</i></li> <li>e) <i>a maximum discharge rate from the site of (37) l/sec/ha with 9 litres per square meter storage.</i></li> </ul> <p><i>Construction of Works</i></p> <p><i>Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must construct and complete 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. Drainage and other civil works to be constructed must include:-</i></p> <ul style="list-style-type: none"> <li>1. <i>vehicular crossing and access to each lot;</i></li> <li>2. <i>Drainage in accordance with the endorsed Drainage Discharge plan; and</i></li> <li>3. <i>Provision of stormwater treatment features or as otherwise agreed to in writing by the Responsible Authority;</i></li> </ul> <p><i>to the satisfaction of the responsible authority.</i></p> <p><i>Subdivision Development</i></p> <p><i>Form 23</i></p> <p><i>Before a Statement of Compliance is issued under the Subdivision Act 1988 by the Responsible Authority the owner must provide a completed Form 23.</i></p>

## Assessment

### The zoning of the land

General Residential Zone

The purpose of the General Residential 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 encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.*

A Planning Permit is required pursuant to the provisions of:

- Clause 32.08-2 of the Planning Scheme for subdivision in the General Residential Zone
- Clause 32.08-4 of the Planning Scheme for the construction of two dwellings on a lot

Clause 32.08-4 of the Planning Scheme states that any proposal meet the requirements of Clause 55 of the Planning Scheme.

The application will be assessed against the provisions of Clause 55 of the Planning Scheme later in the report.

Notwithstanding the above, it is noted that the proposal would not comply with the purposes of the General Residential Zone for the following reasons:

- The proposal would provide for a residential development which does not respect the neighbourhood character of the area.
- Clause 21.04-2 of the Planning Scheme shows that the subject land is within the incremental change area as set out in the Housing Strategy, the incremental change area is identified as areas which can accommodate medium density development, the proposal would provide for a higher density outcome, which is not in accordance with neighbourhood guidelines for the area.
- The proposal does not provide for a moderate housing outcome.

It is therefore considered that the proposal would not comply with the purpose of the General Residential Zone.

#### **Relevant overlay provisions**

The land is not affected by any overlays.

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

##### **11.10-3 Planning for growth**

The objective 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.*

Clause 16.01-1 Integrated Housing objective is to promote a housing market that meets community needs.

Strategies include:

- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
- *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.*
- *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- *Encourage housing that is both water efficient and energy efficient.*
- *Facilitate the delivery of high quality social housing to meet the needs of Victorians.*

Clause 16.01-2 Location of residential development includes the following strategy:

- *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*

The proposal would not comply for the following reasons:

- The proposal for a three lot subdivision (and two dwellings) would represent an over development of the site and would not be located within an appropriate area of the city.

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

#### **21.04-1**

Clause 21.04-1 (urban consolidation and growth) aims to increase the medium density housing stock from 5% in 2001 to 20% of the housing stock by 2030. A strategy of this clause is to:

- *Encourage medium density housing in preferred locations including within existing residential areas; near public transport; within major redevelopment sites; and adjacent to activity centres and open space areas.*

The proposal would not comply with the above as it is considered that the land is not in proximity to activity centres or open space areas.

It is noted that the proposal would provide a residential development that is far beyond the density of existing development in the general vicinity, it is noted that the proposal provides small dwelling frontages without enough room on the site for separate garages, which is the norm in the surrounding area.

Further to this the layout of the proposal cannot provide for appropriately sized front and rear yards which can provide for enough room for mature tree planting which are prevalent within the area.

In light of the above, it is considered that the subject land is not within the correct location for a development with the density as proposed.

#### **Clause 21.04-2**

The subject land is identified as being within the Incremental Change Area.

*Incremental Change Areas are noted as being established residential areas or areas identified as Urban Growth Areas in Framework Plans that over time have the capacity to accommodate a moderate level of residential development. This development will mostly include extensions to existing dwellings, new single or double storey dwellings on existing lots, and low rise medium density housing. It is expected that the general character of Incremental Change Areas will evolve over time as new types and more intense development is accommodated.*

Incremental Change Areas are generally in locations that:

- *Are unaffected by significant development constraints.*
- *Have lot layouts which may potentially constrain substantial development.*
- *Have reasonable access to a range of local shops, facilities, services and amenities.*
- *Provide residential uses in conjunction with other uses in small town settings.*
- *Greenfield residential development sites.*

#### **Strategies - Incremental Change Areas**

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

- *Support the retention and renovation of existing dwellings that front the street and contribute positively to surrounding neighbourhood character.*
- *Encourage low scale medium density housing development that respects existing neighbourhood character, particularly in areas that are in close proximity to significant shops, facilities, services and amenities.*
- *Support development which increases residential densities while respecting the character of the neighbourhood.*
- *Ensure that new development does not cause significant new overlooking, overshadowing, and excess visual bulk impacts on adjacent housing.*
- *Encourage a high standard of design for new development and major renovations.*
- *Encourage additional dwellings to the rear of existing dwellings.*
- *Support and encourage environmentally friendly technologies for new development and major renovations.*
- *Ensure that traffic caused by additional development can be accommodated by the existing transport network.*
- *Discourage increased development intensity in areas where there is a significant environmental risk such as flooding and wildfire, unless an appropriate design response can be provided to the satisfaction of the Council.*
- *Ensure that development at the edges of the Incremental Change Area is sensitive to any adjoining Minimal Change Areas.*
- *Ensure that any new development close to a rural interface or other sensitive use is addressed.*

It is considered that the proposal would not comply for the following reasons:



- The proposal would not contribute positively to the character of the surrounding area. The proposal would provide for a residential development which is well beyond the scale found within the area.
- The proposal would not comprise what is considered to be a low scale medium density development. The proposal provides small frontages and cannot provide separate garages on the lot. Which is the prevailing character of the area.
- The proposal would not comply with the character of the area.

#### **Policy Guidelines - Incremental Change Areas**

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

- *Low-scale, medium density dwellings that respect existing neighbourhood character, particularly in areas that are in close proximity to shops, facilities, services and amenities shall be encouraged.*
- *New development that increases residential densities and is sensitively designed to respond to the existing neighbourhood character shall be supported.*
- *Encourage a high standard of design for new development and major renovations; Encourage additional dwellings to the rear of existing dwellings.*
- *Environmentally-friendly technologies for new development and major renovations shall be supported.*
- *Traffic impacts caused by additional development shall be accommodated within the existing transport network.*
- *Increased residential densities in areas where there is a significant environmental risk such as flooding and wildfire shall be discouraged unless an appropriate design response can be provided to the satisfaction of Council.*
- *Development at the edges of incremental change areas shall be sensitively designed to respond to any adjoining minimal change areas.*
- *New development close to rural interface or any other sensitive use shall be appropriately designed to mitigate any potential impacts.*

The proposal would not comply for the following reasons:

- The proposal would not provide for a low density development and would not respect the neighbourhood character of the area.
- The design of the proposal does not comply with the character of the area. The area is characterised by single dwellings on a block which include front and rear yards. The proposal does not provide a front yard and cant provide rear yards which have the same characteristics as surrounding properties.
- Further to this the proposal would provide for small dwelling frontages which do not provide the same presence as large single dwelling frontages which are characteristic of the area.

#### **Relevant Particular Provisions**

Clause 55

<p><b>Clause 55.02-1 Neighbourhood Character Objectives</b>  To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character;  To ensure the development responds to the features of the site and surrounding area.</p>	<p><b>Standard B1 (Cannot be varied)</b>  The design response must be appropriate to the neighbourhood and the site.  The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p><b>Comments</b>  The proposal would represent an overdevelopment of the land and would not respect the character of the area.   The area generally comprises of single dwellings on a lot, the proposal seeks a higher density development.</p>
<p><b>Clause 55.02-2 Residential Policy Objectives</b>  To ensure that residential development is provided in accordance with any policy for housing in the SPPF and the LPPF including the MSS and local planning polices;  To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p><b>Standard B2 (Cannot be varied)</b>  An application must be accompanied by a written statement that describes how the development is consistent with any relevant policy for housing in:</p> <ul style="list-style-type: none"> <li>• the SPPF; and</li> <li>• the LPPF including the MSS; and Local Planning Policies</li> </ul>	<p><b>Complies</b>  The proposal does not comply with LPPF, specifically Clause 21.04-2 (Incremental Change Area) of the Planning Scheme, which seeks appropriate scaled low scale residential density.</p>
<p><b>Clause 55.02-3 Dwelling Diversity Objective</b>  To encourage a range of dwelling sizes and types in development of ten or more dwellings</p>	<p><b>Standard B3 (Can be varied)</b>  Developments of 10 or more dwellings should provide a range of dwelling sizes and types including:</p> <ul style="list-style-type: none"> <li>• dwellings with a different number of bedrooms; and</li> <li>• at least one dwelling with a kitchen, bath or shower, and toilet and wash basin at ground floor level.</li> </ul>	<p><b>N/A</b></p>
<p><b>Clause 55.02-4 Infrastructure Objectives</b>  To ensure development is provided with appropriate utility services and infrastructure;</p>	<p><b>Standard B4 (Can be varied)</b>  Development should be connected to reticulated services including reticulated sewerage, drainage,</p>	<p><b>Comments</b>  The subject land is fully reticulated and can be connected to all services.</p>

<p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure</p>	<p>electricity and gas if available.          Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.          In areas where utility services or infrastructure have little or no space capacity, developments should provide for the upgrading or mitigation of the impact on services or infrastructure.</p>	
<p><b>Clause 55.02-5          Integration with the Street Objective</b>          To integrate the layout of development with the street</p>	<p><b>Standard B5 (Can be varied)</b>          Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.           Dwellings should be orientated to front existing and proposed streets           High fencing in front of dwellings should be avoided if practicable.           Development next to existing public open space should be laid out to complement the open space.</p>	<p><b>Comments</b>          The proposal provides adequate vehicular connection and does not require pedestrian links.</p>

<p><b>Clause 55.03-1 Street Setback Objective</b>  To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p><b>Standard B6 (Can be varied)</b>  Walls of buildings should be setback from streets the distance specified in Table B1</p>	<p><b>Comments</b>  The proposal provides for a setback of 3.5 metres.   The building to the west of the proposal is set back approximately 3.7 metres from the street and the dwelling to the east of the proposal is set back approximately 3.5 metres from the street. In light of this, the set back of the proposal is considered appropriate.</p>
<p><b>Clause 55.03-2 Building Height Objective</b>  To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B7 (Can be varied)</b>  The max building height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case the max building height should not exceed 10m.  Change of building height between existing buildings and new buildings should be graduated.</p>	<p><b>Comments</b>  The proposed units would have a height of approximately 5m, which is less than the 9 metres set out in Rescode.</p>
<p><b>Clause 55.03-3 Site Coverage Objective</b>  To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</p>	<p><b>Standard B8 (Can be varied)</b>  The site area covered by buildings should not exceed 60%.</p>	<p><b>Comments</b>  Lot 2 of the proposal provides for a site coverage of 60.1%, this does not comply   Lot 3 has a coverage if 59.456% this does comply.   This does not comply with the character of the surrounding area.</p>
<p><b>Clause 55.03-4 Permeability Objectives</b>  To reduce the impact of increased stormwater run-off on the drainage system;  To facilitate on-site</p>	<p><b>Standard B9 (Can be varied)</b>  At least 20% of the site should not be covered by impervious surfaces.</p>	<p><b>Comments</b>  The applicants have stated that the proposal complies</p>

stormwater infiltration.		
<p><b>Clause 55.03-5 Energy Efficiency Objectives</b></p> <p>To achieve and protect energy efficient dwellings and residential buildings;  To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy</p>	<p><b>Standard B10 (Can be varied)</b></p> <p>Buildings should be:</p> <ul style="list-style-type: none"> <li>• Orientated to make appropriate use of solar energy.</li> <li>• Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> <li>• Living areas and private open space should be located on the north side of the dwelling, if practicable.</li> </ul> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	<p><b>Comments</b></p> <p>The living areas of units of the proposed new units face north.</p> <p>All open space areas will have access to a north facing aspect.</p>
<p><b>Clause 55.03-6 Open Space Objective</b></p> <p>To integrate the layout of the development with any public or communal open space provided in or adjacent to the development</p>	<p><b>Standard B11 (Can be varied)</b></p> <p>Any public or communal open space should:</p> <ul style="list-style-type: none"> <li>• be substantially fronted by dwellings, where appropriate;</li> <li>• provide outlook for as many dwellings as</li> <li>• practicable</li> <li>• be designed to protect any natural features on the site; and</li> <li>• be accessible and useable.</li> </ul>	<p><b>N/A</b></p>
<p><b>Clause 55.03-7 Safety Objective</b></p> <p>To ensure the layout of development provides for the safety and security of residents and property</p>	<p><b>Standard B12 (Can be varied)</b></p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and</p>	<p><b>Comments</b></p> <p>The entrances to the units will be visible from the road.</p>

	<p>surveillance of car parks and internal accessways.  Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	
<p><b>Clause 55.03-8  Landscaping Objectives</b>  To encourage development that respects the landscape character of the neighbourhood;  To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance;  To provide appropriate landscaping;  To encourage the retention of mature vegetation on the site</p>	<p><b>Standard B13 (Can be varied)</b>  Landscape layout and design.</p>	<p><b>Comments</b>  The applicants have not provided a landscape plan.   However, it is noted that the proposed development has no ability to provide for mature tree plantings within the front yard (there are no front yards) and there is no possibility of mature plantings in the proposed rear yards.</p>
<p><b>Clause 55.03-9  Access Objectives</b>  To ensure vehicle access to and from a development is safe, manageable and convenient;  To ensure the number and design of vehicle crossovers respects the neighbourhood character</p>	<p><b>Standard B14 (Can be varied)</b>  Accessways should:</p> <ol style="list-style-type: none"> <li>1. Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network.</li> <li>2. Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves 5 or more car spaces, 3 or more dwellings, or connects to a road in a Road Zone.</li> <li>3. Be at least 3m wide.</li> <li>4. Have an internal radius of at least 4m at changes of direction.</li> <li>5. Provide a passing area at the entrance that is at least 5m wide and 7m long if the accessway serves 10 or more spaces and connects to a road in a road zone.</li> <li>6. The width of accessways or car spaces should not</li> </ol>	<p><b>Comments</b>  Proposed unit 1 and 2 have separate crossovers.</p>

	<p>exceed:</p> <ul style="list-style-type: none"> <li>• 33% of the street frontage if the width of the street frontage is more than 20m; or</li> <li>• 40% of the street frontage if the width of the street frontage is less than 20m.</li> </ul>	
<p><b>Clause 55.03-10</b>  <b>Parking Location Objectives</b>  To provide for convenient parking for residents and visitor vehicles;  To avoid parking and traffic difficulties in the development and the neighbourhood;  To protect residents from vehicular noise within developments</p>	<p><b>Summary of Standard B15 (Can be varied)</b>  Car parking facilities should:  Be reasonably close and convenient to dwellings and residential buildings;</p> <ul style="list-style-type: none"> <li>• Be secure;</li> <li>• Be designed to allow safe and efficient movements within the development.</li> <li>• Be well ventilated if enclosed.</li> <li>• Large parking areas should be broken up with trees, buildings or different surface treatments.</li> <li>• Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from habitable room windows. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway.</li> </ul>	<p><b>Comments</b>  Car parking is proposed to be provided in separate single garages.</p>
<p><b>Clause 55.04-1</b>  <b>Side and Rear Setbacks Objective</b>  To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p><b>Summary of Standard B17 (variable)</b>  New building not on, or within 150 mm of boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> <li>• 1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m.</li> <li>• Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this</li> </ul>	<p><b>Comments</b>  The side and rear boundaries are set back 1 meter from surrounding properties.</p>

	standard.	
<p><b>Clause 55.04-2 Walls on Boundaries</b>  <b>Objective</b>  To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p><b>Standard B18 (Can be varied)</b>  New wall on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> <li>• 10m plus 25% of the remaining length of the boundary of an adjoining lot; or the length of an existing or simultaneously constructed wall or carport whichever is the greater.</li> <li>• A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls would result in the effective height of the wall or carport being less than 2m on the abutting property boundary.</li> <li>• A building on a boundary includes a building up to 150mm from a boundary.</li> <li>• New walls on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not exceed an average of 3m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall.</li> </ul>	<p><b>Comments</b>  The proposal does not have any walls within 150 mm of a side or rear boundary.</p>
<p><b>Clause 55.04-3 Daylight to existing windows objective</b>  To allow adequate daylight into existing habitable room windows.</p>	<p><b>Standard B19 (Can be varied)</b>  Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m<sup>2</sup> and 1m clear to the sky. The area may include land on the abutting lot.</p>	<p><b>Comments</b>  The proposal would not impact the light into existing habitable rooms, the proposed buildings would be set back in excess of a metre from the boundary line in these locations, which would ensure no impact.</p>



	<p>Walls or carports more than 3m high opposite an existing habitable room window should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p><b>Note:</b> Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window.</p>	
<p><b>Clause 55.04-4        North-facing windows objective</b>        To allow adequate solar access to existing north-facing habitable room windows.</p>	<p><b>Standard B20 (Can be varied)</b>        If a north-facing habitable room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building should be setback from the boundary:</p> <ul style="list-style-type: none"> <li>• 1m, plus 0.6m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m, for a distance of 3m from the edge of each side of the window.</li> </ul>	<p><b>Comments</b>        N/A</p>
<p><b>Clause 55.04-5        Overshadowing open space objective</b>        To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p><b>Standard B21 (Can be varied)</b>        Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m<sup>2</sup> with a minimum dimension of 3m, whichever is the lesser area, of the secluded open space should receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September.        If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of</p>	<p><b>Comments</b>        The proposal comprises of single storey dwellings which would not impact on the sunlight into secluded open space of existing dwellings.</p>

	sunlight should not be further reduced.	
<p><b>Clause 55.04-6 Overlooking objective</b> To limit views into existing secluded private open space and habitable room windows.</p>	<p><b>Standard B22 (Can be varied)</b> Habitable room windows, balconies, terraces etc should be located and designed to avoid direct view to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45 degree arc from the window, balcony etc.</p>	<p><b>Comments</b> The proposal comprises of single storey units, it is considered that there would be no direct views into surrounding secluded private open space.</p>
<p><b>Clause 55.04-7 Internal Views Objective</b> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings with a development</p>	<p><b>Standard B23 (Can be varied)</b> Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and in the same development.</p>	<p><b>Comments</b> Internal fencing will ensure that no internal overlooking takes place.</p>
<p><b>Clause 55.06-3 Common Property Objectives</b> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained; To avoid future management difficulties in areas of common ownership</p>	<p><b>Standard B33 (Can be varied)</b> Developments should clearly delineate public, communal and private areas. Common property where provided, should be functional and capable of efficient management.</p>	<p><b>Comments</b> No common areas are required.</p>
<p><b>Clause 55.06-4 Site Services Objectives</b> To ensure that site services can be installed and easily maintained; To ensure that site facilities are accessible, adequate and attractive</p>	<p><b>Standard B34 (Can be varied)</b> The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate</p>	<p><b>Comments</b> The land is fully serviced.</p>

	<p>in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post</p>	
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Clause 56

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>C6</b>  <b>Neighbourhood Character objective</b>  To design subdivision that respond to neighbourhood character.</p>	<ul style="list-style-type: none"> <li>• Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</li> <li>• Respond to and integrate with the surrounding urban environment.</li> <li>• Protect significant vegetation and site features.</li> </ul>	<p><b>Does not comply</b>  Comments:  The proposal comprises of what is considered to be a high density residential subdivision which in an area with a medium density character al in nature. The proposal does not comply with the character of the area because it would introduce residential development at a higher density than which prevails in the area.</p>
<p><b>C7</b>  <b>Lot diversity and distribution objectives</b>  To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</p> <p>To provide higher housing densities within walking distance of activity centres.</p> <p>To achieve increased housing densities in designated growth areas.</p> <p>To provide a range of lot sizes to suit a variety of dwelling and household types.</p>	<ul style="list-style-type: none"> <li>• Implement any relevant housing strategy, plan or policy for the area.</li> <li>• Lot sizes and mix should achieve the average net residential density specified by the zone</li> </ul>	<p><b>Does not comply</b>  Comments:  The land is within the incremental change area as set out in Clause 21.04-2 of the Planning Scheme.</p> <p>The proposal would not comply with the housing strategy for the area,</p>
<p><b>C8</b>  <b>Lot area and building envelopes objective</b>  To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private</p>	<p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> <li>- Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</li> </ul>	<p><b>Does not comply</b>  Comments:  The proposal provides for lots of 185m<sup>2</sup> and 187m<sup>2</sup></p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</p> <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p>	<p>Given the strategy for the area to provide for medium density development, it is considered that the proposed lots do not provide for appropriate residential development.</p>
<p><b>C9</b>  <b>Solar Orientation of lots</b>  To provide good solar orientation of lots and solar access for future dwellings.</p>	<ul style="list-style-type: none"> <li>• Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</li> <li>• Lots have appropriate solar orientation when: <ul style="list-style-type: none"> <li>- The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.</li> </ul> </li> <li>• Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.</li> </ul> <p>Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street</p>	<p><b>Complies</b>  Comments:  All lots are orientated to the north.</p>
<p><b>C10</b>  <b>Street Orientation Objective</b>  To provide a lot layout that contributes to community social interaction, personal safety and property security.</p>	<p>Subdivision should increase visibility and surveillance by:</p> <ul style="list-style-type: none"> <li>• Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads.</li> <li>• Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space.</li> <li>• Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries.</li> <li>• Providing roads and streets along public open space boundaries.</li> </ul>	<p><b>Complies</b>  Comments  All entrances to dwelling would face Carney Street, ensuring passive surveillance.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>C11 Common Area</b>  To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	<ul style="list-style-type: none"> <li>• An application to subdivide land that creates common land must be accompanied by a plan and a report identifying: <ul style="list-style-type: none"> <li>- The common area to be owned by the body corporate, including any streets and open space.</li> <li>- The reasons why the area should be commonly held.</li> <li>- Lots participating in the body corporate.</li> </ul> </li> </ul> <p>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</p>	<p><b>N/A</b>  There will be no common areas.</p>
<p><b>C12 Integrated urban landscape objectives</b>  To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</p> <p>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</p> <p>To provide for integrated water management systems and contribute to drinking water conservation.</p>	<p>An application for subdivision that creates streets or public open space should be accompanied by a landscape design.</p>	<p><b>N/A</b></p>
<p><b>C13 Walking and cycling network objectives</b>  To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p> <p>To reduce car use, greenhouse gas emissions and air pollution.</p>	<p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> <li>• Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme.</li> <li>• Link to any existing pedestrian and cycling networks.</li> <li>• Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces.</li> <li>• Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces.</li> <li>• Provide direct cycling routes for</li> </ul>	<p><b>N/A</b></p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<p>regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.</p> <ul style="list-style-type: none"> <li>• Ensure safe street and road crossings including the provision of traffic controls where required.</li> <li>• Provide an appropriate level of priority for pedestrians and cyclists.</li> <li>• Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.</li> <li>• Be accessible to people with disabilities.</li> </ul>	
<p><b>C17</b>  <b>Neighbourhood street network objective</b>  To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.</p>	<p>The neighbourhood street network design and safety requirements are listed.</p>	<p><b>N/A</b></p>
<p><b>Standard C18</b>  <b>Walking and cycling network detail objectives</b>  To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.  To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>	<p>Footpaths, shared paths, cycle paths and cycle lanes design requirements.</p>	<p><b>N/A</b></p>
<p><b>C20</b>  <b>Neighbourhood street network detail objective</b>  To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</p>	<p>The design of streets and roads requirements.</p>	<p><b>N/A</b></p>
<p><b>C21</b>  <b>Lot Access</b>  To provide for safe vehicle access between roads and lots.</p>	<ul style="list-style-type: none"> <li>• Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</li> <li>• Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via</li> </ul>	<p><b>Complies</b>  Comments:    Dwelling 1 would be accessed from an existing crossover from Callister Street    Dwellings 2 and 3 would be accessed off a double cross over onto Carney Street.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<p>rear or side access lanes, places or streets.</p> <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p>	
<p><b>C22</b>  <b>Drink Water supply</b>  To reduce the use of drinking water.  To provide an adequate, cost-effective supply of drinking water.</p>	<ul style="list-style-type: none"> <li>• The supply of drinking water must be: <ul style="list-style-type: none"> <li>- Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</li> <li>- Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</li> </ul> </li> </ul>	<p>✓ <b>Complies</b>  Comments:  Drinking water would be supplied from town water.</p>
<p><b>C23</b>  <b>Reused and recycled water</b>  To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<ul style="list-style-type: none"> <li>• Reused and recycled water supply systems must be: <ul style="list-style-type: none"> <li>- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services.</li> </ul> </li> </ul> <p>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p><b>Does not comply</b>  Comments:  The applicants have not given any demonstration of how they intend to comply.</p>
<p><b>C24</b>  <b>Waste Water Management</b>  To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<ul style="list-style-type: none"> <li>• Waste water systems must be: <ul style="list-style-type: none"> <li>- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.</li> <li>- Consistent with any relevant approved domestic waste water management plan.</li> </ul> </li> </ul> <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>✓ <b>Complies</b>  Comments:  The dwellings will be connected to Goulburn Valley Water sewers.</p>
<p><b>C25</b>  <b>Urban Run-off Management</b>  To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>	<p>The urban stormwater management system must be:</p> <ul style="list-style-type: none"> <li>- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</li> <li>- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed.</li> <li>- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best</li> </ul>	<p>✓ <b>Can comply</b>  Comments:  The applicant will be required to provide and comply with a drainage discharge plan.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<p>Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</p> <ul style="list-style-type: none"> <li>- Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</li> </ul> <p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p> <ul style="list-style-type: none"> <li>- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</li> <li>- Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.</li> </ul>	
<p><b>C26 Site Management</b>  To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<ul style="list-style-type: none"> <li>• A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing: <ul style="list-style-type: none"> <li>- Erosion and sediment.</li> <li>- Dust.</li> <li>- Run-off.</li> <li>- Litter, concrete and other construction wastes.</li> <li>- Chemical contamination.</li> <li>- Vegetation and natural features planned for retention.</li> </ul> </li> </ul> <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>✓ <b>Can Comply</b>  Comments:  The applicants would be required to provide a construction management plan, to ensure all works are carried out in an appropriate manner.</p>
<p><b>C27 Shared Trenching</b>  To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>	<ul style="list-style-type: none"> <li>• Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</li> </ul>	<p><b>Can comply</b>  Comments:  The applicants would be required to provide shared trenching where appropriate.</p>
<p><b>C28 Electricity, Telecommunications and Gas</b></p>	<ul style="list-style-type: none"> <li>• The electricity supply system must be designed in accordance with the</li> </ul>	<p><b>Can comply</b>  Comments:</p>



Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<p>requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</p> <ul style="list-style-type: none"> <li>• Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</li> <li>• The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</li> <li>• Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</li> </ul>	<p>The applicants would be required to provide shared trenching where appropriate.</p>
<p><b>C29 Fire hydrants objective</b>  To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.</p>	<p><b>Standard C29</b>  Fire hydrants should be provided:</p> <ul style="list-style-type: none"> <li>• A maximum distance of 120 metres from the rear of the each lot.</li> <li>• No more than 200 metres apart.</li> </ul> <p>Hydrants and fire plugs must be compatible with the relevant fire service equipment.  Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.</p>	<p>N/A</p>
<p><b>C30 Public lighting objective</b>  To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</p> <p>To provide pedestrians with a</p>	<p>Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe</p>	<p>N/A</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>sense of personal safety at night.</p> <p>To contribute to reducing greenhouse gas emissions and to saving energy.</p>	<p>passage for pedestrians, cyclists and vehicles.</p> <p>Public lighting should be designed in accordance with the relevant Australian Standards.</p> <p>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</p>	

### The decision guidelines of Clause 65

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

#### 65.01 Approval of an application or plan

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

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

The proposal would not comply in the following ways:

- The proposal would not comply with the purpose of the zone, which seeks to increase the density of residential development in proximity to activity centres. The subject land is not in proximity to any service centre.
- The proposal, would have a negative impact on the amenity of the area as the proposal would provide a residential development which is far beyond the density of residential development in the general area.

- The proposal would not comply with the orderly planning of the area, the area has an established medium density character, the proposal would provide for a residential development which is out of character with the area.

In light of the above, it is considered that the proposal would not comply with the provisions of Clause 65 of the Planning Scheme.

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

There are no incorporated or reference documents that are 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 application?**

There are no other Acts that relate 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' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

The land is not identified as being within an area which has Aboriginal Cultural Heritage Sensitivity.

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

The Charter of Human Rights and Responsibilities has been considered in the assessment of this application.

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## **Conclusion**

The application is not considered to be an appropriate planning outcome and it is recommended that application be refused.

# REFUSAL TO GRANT A PERMIT

**APPLICATION NO:** 2015-198

**PLANNING SCHEME:** GREATER SHEPPARTON PLANNING SCHEME

**RESPONSIBLE AUTHORITY:** GREATER SHEPPARTON CITY COUNCIL

**ADDRESS OF THE LAND:** 51 Callister Street SHEPPARTON VIC 3630

**WHAT HAS BEEN REFUSED:** Three lot subdivision and buildings and works for a dwelling on a lot less than 300m2 on proposed lots 2 and 3

## WHAT ARE THE REASONS FOR THE REFUSAL?

1. The proposal is not consistent with the Clause 21.04-2 (Housing Change Area) of the Local Planning Policy Framework which identifies the land within the incremental change area; the proposal would not comply with the objective of the Incremental Change Area to support low scale, medium density which respects the character of the area.
2. The incremental change area seeks to provide for low scale medium density residential development in areas that are in proximity to services including shops. The subject land is not in proximity to any service centres and therefore cannot achieve this outcome.
3. The proposal does not compliment the existing character of the area and does not meet the objectives of Clause 55 and 56 of the Planning Scheme.
4. The proposal would not compliment the amenity of the area and would not comply with the orderly planning of the area. The proposal is far beyond the scale of residential development in the area and would not comply with the decision guidelines set out in Clause 65 of the Planning Scheme.