

# **CONFIRMED MINUTES**

**FOR THE  
GREATER SHEPPARTON CITY COUNCIL**

## **DEVELOPMENT HEARINGS PANEL**

**Meeting No. 03/2016**

**HELD ON  
FRIDAY 1 APRIL 2016  
AT 10.00AM**

**IN THE COUNCIL BOARDROOM  
90 WELSFORD STREET**

**CHAIR  
Councillor Dinny Adem**

## **1. ACKNOWLEDGEMENT**

Welcome everyone to Development Hearings Panel meeting number 3 for 2016.

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
- Michael MacDonagh – Team Leader Strategic Planning
- Carl Byrne – Acting Team Leader Development
- Elke Cummins – Principal Strategic Planner

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

The Planning Officers present today are:

- Tim Watson – Senior Statutory Planner
- Ronan Murphy – Senior Statutory Planner

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

## **5. APOLOGIES**

Johan Rajaratnam - Director Sustainable Development

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

Minutes of 11 March 2016 – Do I have a mover and a seconder (Colin or Michael to move or second)

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

None

## **8. ORDER OF PROCEEDINGS**

For those of you who are attending the DHP for the first time the process is as follows

- The DHP operates under Local Law No 2, with such modifications and adaptations as the DHP deems necessary for the orderly conduct of meetings.
- All DHP panel members have 1 vote at a meeting.
- Decisions of the DHP are by ordinary majority resolution. If a vote is tied the Chair of the DHP has the casting vote.
- The process for submitters to be heard by the Panel today shall be:
  - The planning officer to present the planning report recommendation
  - Any objector/s or representatives on behalf of the objectors present to make a submissions in support of their objection (should they wish to)
  - The applicant/applicant representative to present in support of the application
- The officer, objectors/submitters and applicant will be limited to three minutes per person unless granted a further 3 minute extension by the Chair (following a moved and seconded motion from the panel).

## **9. MATTERS FOR CONSIDERATION**

There are two items formally listed for consideration today:

- The first item for consideration is planning permit application 2015-466 for a residential building at 170 Knight Street, Shepparton.
- The second item for consideration is planning permit application 2016-17 for a dwelling at 750 Kyabram-Cooma Road, Cooma.

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**10. LATE REPORTS**

None

**11. NEXT MEETING**

TBC

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## Application Details

Responsible Officer:	Tim Watson
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Application Number:	2015-466
Applicant Name:	Rumbalara Aboriginal Co-Op Ltd
Date Received:	17-Dec-2015
Statutory Days:	39(7/3/16)

Land/Address:	170 Knight Street SHEPPARTON VIC 3630
Zoning & Overlays:	Residential Growth Zone Parking Overlay
Why is a permit required (include Permit Triggers):	32.07-1 – use of land for a residential building
Are there any Restrictive Covenants on the title?	No
Is a CHMP required?	No
Was the correct application fee paid?	yes

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## Proposal

The application for a planning permit proposes to change the existing use of the land from a medical centre / office to a residential building to provide accommodation to 8 students who will attend the ASHE education program located on Nixon Street.

A residential building being defined as:

Land used to accommodate persons, but does not include camping and caravan park, corrective institution, dependent person's unit, dwelling, group accommodation, host farm, residential village or retirement village.

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## Summary of Key Issues

- The application for a planning permit proposes the use of the existing building for a residential building to provide accommodation to students studying at ASHE in Shepparton.
- The application was advertised to surrounding properties with a total of 5 objections/submissions received.
- The application was referred internally to the Council's Health Department.

- A consultation session was held to ensure that all relevant parties understood the proposal and applicant's understood the objectors/submitters concerns.
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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2015-466** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **32.07-1** of the Greater Shepparton Planning Scheme in respect of the land known and described as **170 Knight Street SHEPPARTON VIC 3630**, for the **use of land for a residential building in the Residential Growth Zone** in accordance with the Notice of Decision and the endorsed plans.

### Moved by Colin Kalms

### Seconded by Michael MacDonagh

That Council having caused notice of Planning Application No. **2015-466** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **32.07-1** of the Greater Shepparton Planning Scheme in respect of the land known and described as **170 Knight Street SHEPPARTON VIC 3630**, for the **use of land for a residential building in the Residential Growth Zone** in accordance with the Notice of Decision and the endorsed plans but with an amendment to Condition 4 (below) with the following wording:

*Prior to the use commencing the air-conditioning units affixed to the eastern and western sides of the building **must be treated with noise attenuation measures and/or relocated so as to reduce the noise** to the satisfaction of the Responsible Authority.*

## Subject Site & Locality

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

Date: **1/3/16** Time: **10:00am**

The site has a total area of **approximately 1785** square metres and currently contains:

- An existing single storey building previously used for a medical centre.
- A small landscaped area is provided at the front of the site, with a sealed area for car parking.
- The rear of the site is accessed by an sealed access either side of the building along the eastern and western boundaries.

- The rear of the site includes additional car parking with car port and a landscaped area along the rear boundary.

The main site/locality characteristics are:

- The surrounding area is residential in nature with the housing densities varying for single dwellings on large allotments to smaller unit developments.
- The land to the rear of the site is owned by GV Connect and used in collaboration with their services.
- The site is located in close proximity to a child care centre to the north, School and Deakin Reserve.



The Photos below show the existing site:



## Permit/Site History

The history of the site includes:

- planning permit 2008-245 allowed the use of the land for a medical centre in the Residential zone.
- previously the land was used as a convent.

## Further Information

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

**On 4 January 2016 the following was requested:**

- Details on the maximum number of students to be accommodated at any given time;
- The number of staff/managers on site;
- A floor plan showing the number of bedrooms and car parks on site;
- Details of any external buildings and works to occur on the land as part of the change in use.

**This information was provided on 20 January 2016**

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## Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **use of land for a residential building (student accommodation) in the Residential Growth Zone**, by:

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



The applicant provided a signed declaration stating that the sign on site was displayed on the land between 22/1/16 and 8/2/16.

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## Objections

The Council has received **3** objections and **2** submissions to date.

The two submissions identify a number of issues which they seek clarification, however have clearly stated at the start of their correspondence that they do not object.

The key issues that were raised in the objections and submissions are:

1. Car parking on street;
2. Fence height/privacy for abutting properties;

3. Air conditioner noise;
4. Security lighting;
5. The possible change of use in future to a different type of student accommodation;
6. Noise;
7. The use being in the wrong zone;
8. Insufficient information with application;
9. Property prices;

### Response

A response to the above points of objection/concern is provided as follows.

1. The proposed use of the land for a Residential Building will provide in excess of the 4 car parks required for student accommodation under the Schedule to the Parking Overlay. Furthermore in the consultation session undertaken with applicant and objectors/submitters it was clearly identified by the applicant that the car parking requirements would be significantly less than that of the previous use of the land for a medical centre, as it was not envisaged that the students would have cars.
2. Should a permit issue, a requirement will be that all fencing around the property be upgraded to a 1.8 metre Colorbond unless otherwise agreed to with abutting property owners.
3. The existing building contains a number of air conditioning units elevated to under the eaves of the building. These air conditioners are likely to be operated on a 24 hour basis given the proposed accommodation use, which would likely impact amenity of abutting residences. Should a permit issue a form of screening will be required. It is however acknowledged that complete silence cannot be achieved. Some noise is not considered to be unreasonable given that it is likely that air conditioning units will also be operated on abutting premises which also generate noise.
4. Should a permit issue all security light will need to be baffled so as to prevent significant light spill on to abutting properties.
5. During the consultation session it was identified that objectors/submitters were concerned that should the ASHE program cease any type of student accommodation could occupy the premise with the permit. It was informed that should a permit issue it could be specifically issued to allow for only ASHE to use it and any change in the future would require planning permission.
6. Whilst it is acknowledged that there will be some noise, the use of an onsite manager is expected to ensure that this will be managed to an acceptable level..
7. The land is zoned Residential Growth which encourages higher residential densities. A Residential Building for student accommodation is therefore considered appropriate for the zone.
8. Further information was provided to the objectors/submitters after the notification period and additional details were discussed during the consultation session.

9. It is a well-established planning principle that property prices are not a planning consideration.

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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. Relevant aspects of consultation, included:

- A consultation session was undertaken on the site attended by Council Officers, Objectors/Submitters, representatives from Rumbalara (land owner and applicant) and Representative from ASHE (proposed site operator).
- The details of the discussions undertaken are for the most part covered under the objections/submitters response section 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
No section 55 referrals are required	-	-	-

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## Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
No section 52 notices to authorities required	-

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Health Department	The application for a planning permit was referred to the Council's Health Department, who do not object to the issue of a permit or require any conditions.

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## Assessment

**The zoning of the land**

Residential Growth Zone 32.07

The purpose of the zone is:

- To provide housing at increased densities in buildings up to and including four storey buildings.

- To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.
- To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Accommodation is listed as a section 2 use under Clause 32.07-1 of the Residential growth Zone.

#### 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 Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of this zone.
- Any other decision guidelines specified in a schedule to this zone.
- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The proposed landscaping
- The provision of car and bicycle parking and associated access ways.
- Any loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

#### Response

1. The State and Local Planning Policies will be addressed under the individual sub-sections of this report.
2. The proposed use will provide accommodation for up to eight students at any given time with a live-in duty manager. This type of accommodation use is considered to be generally supported by the Residential Growth Zone where higher densities and variety of housing types are supported.

3. The location of the facility is considered appropriate on a Road Zone (category 2), which designates the high traffic volumes on the road and its importance as a connector road. Furthermore the site is located in close proximity to no residential uses being a childcare centre and school to the west.
4. The Residential Growth Zone of the Greater Shepparton Planning Scheme does not include any additional decision guidelines.
5. The proposed use of the land for a residential building is nested under accommodation section and therefore it is considered that the use is compatible with the surrounding residential uses.
6. The proposed use will provide an import form of accommodation to students of the ASHE education program which allows them to travel from outside the local area to study. Without the accommodation some students would not be able to attend the education programme which is an important service for a large regional centre like Shepparton to offer.
7. The scale of the use is considered appropriate for the site given no more than 8 students are proposed to be housed and both the land and building existing are of significant size. Was the land to be developed for normal residential dwellings, it is likely more residents could be accommodated onsite.
8. The landscaping at the front of the site is considered acceptable and with the continued use of the land it is more likely that landscaping will be maintained, something that is less likely to occur if the building was left vacant.
9. The provision of bicycle spaces can easily be catered for at the rear of the site and existing access ways are considered acceptable.
10. Should a permit issue, refuse facilities will be required to be provided in a suitable location at the rear of the building via way of condition.
11. The proposed use is envisaged to result in a reduction in traffic movements to and from the site. The land as noted has previously been used as a medical centre with a number of movements undertaken during business

**Relevant overlay provisions**

Parking Overlay 45.09

12. The parking Overlay requires the provision of .6 spaces per student. Given the proposed use does not intend to accommodate more than 8 students at any given time, 4 spaces need to be provided on the land.
13. Four spaces are provided at the front of the site which meets the requirements.
14. These car parks are fully sealed with concrete and drained appropriately.

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

### Settlement 11

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Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and services land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to prevent environmental problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

### Regional Settlement Networks 11.05-1

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Relevant objectives and strategies include:

- To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victorian Settlement Framework Plan.
- Direct urban growth into the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warnambbool and Wodonga.
- Provide for growth in population and development of facilities and services across the region or sub-region network.
- Deliver networks of high-quality settlements by providing for appropriately located supplies of residential, commercial and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.

### Regional Strategies and Principles 11.05-4

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Relevant objectives and strategies include:

- To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.
- Maintain and enhance regional Victoria's competitive advantages by providing adequate and competitive land supply, including urban regeneration, redevelopment and greenfield sites, to meet future housing and urban needs and to ensure effective utilisation of land.

### Hume Regional Growth, A Diversified Economy 11.10-1

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Relevant objectives and strategies include:

- To develop a more diverse regional economy while managing and enhancing key regional economic assets.
- Plan for a more diverse and sustainable regional economy by supporting existing economic activity and encouraging appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.

Planning for Growth 11.10-3

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Relevant objectives and strategies include:

- To focus growth and development to maximise the strengths of existing settlements.
- Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta and Wodonga.

#### Response

15. The proposed accommodation will provide increased housing options for students looking to study in Shepparton. An increase in student numbers though small from outside the region is considered to be important to ensuring a diversified economy for the Shepparton City.

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

Housing Change Areas 21.04-2

#### Substantial Change Areas

Substantial change areas are locations that have significant capacity to accommodate substantial residential development. These areas will support increase housing diversity by encouraging a variety of housing types, styles and configurations in areas that are close to activity centres, public transport, employment opportunities and open space. Substantial change areas will support increased residential densities to maximise the amount of people who can take advantage of these desirable locations. It is expected that the character of these areas will change significantly in the future.

#### Response

16. The proposed use is located in an area where higher densities are envisaged and encouraged and where the characteristics are expected to change. The provision of student accommodation within the locality is not considered to be at variance with this policy which preceded the implementation of the Residential Growth Zone.

#### **Relevant Particular Provisions**

Car Parking – 52.06

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Before a new use commences the number of car parks required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the Responsible Authority.

### Response

17. The number of car parks provided on site meet the requirements under the Parking Overlay.

### **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.

### Response

18. The proposed use is considered to achieve a satisfactory outcome against the State and Local Planning Policies which support increased housing opportunities and diversity while also encouraging activities which allow for stronger communities. The proposed use will allow for improved facilities for the Shepparton city and allow for it to attract students from outside the region.

19. The proposed use aligns with the purpose of the Residential growth Zone to provide for increased housing densities.

20. The provisions of the Parking Overlay are met through the appropriate level of car parking provided on site as directed by the Schedule to the overlay.

21. The use of land for a form of accommodation in a Residential Growth Zone along a connector road on which other community based uses are located is considered to be an orderly planning outcome.

22. The use is not envisaged to result in any significant amenity impacts that would be considered unreasonable for the locality given the Road Zone (category 2) status.

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

There are no relevant incorporated or reference documents that relate to this application for a planning permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## **Conclusion**

The proposed use is considered to achieve a satisfactory outcome against the State and Local Planning Policies which support increased housing opportunities and diversity while also encouraging activities which allow for stronger communities. The proposed use will allow for improved facilities for the Shepparton city and allow for it to attract students from outside the region. The proposed use aligns with the purpose of the Residential growth Zone to provide for increased housing densities.

The use of land for a form of accommodation in a Residential Growth Zone along a connector road on which other community based uses are located is considered to be an orderly planning outcome and therefore it is recommended that a Notice of Decision issue.

## Draft Notice Of Decision

**APPLICATION NO:** 2015-466  
**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:** 170 KNIGHT STREET SHEPPARTON VIC 3630

**WHAT THE PERMIT WILL ALLOW:** USE OF LAND FOR A RESIDENTIAL BUILDING  
(ACADEMY OF SPORTS HEALTH AND EDUCATION  
STUDENT ACCOMODATION) IN THE RESIDENTIAL  
GROWTH ZONE

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

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1. **Layout Not Altered**

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

2. **Boundary fencing**

Before the use begins side boundary fencing (not frontage) must be constructed to a height of 1.8m (from finished ground level) consisting of a 1.8 m high Colorbond fence and be constructed to enhance the character of the development and to ensure the privacy of adjoining properties.

The height, material, type and extent of fencing is to be mutually agreed by all parties and must be erected prior to occupation of the development. The cost of such fencing shall be borne by the applicant or as otherwise agreed to by relevant parties.

3. **Use of Permit**

This permit may only be used by the Academy of Sport Health and Education (ASHE) to the satisfaction of the responsible authority.

4. **Air-conditioner screening**

Prior to the use commencing the air-conditioning units affixed to the eastern and western sides of the building must be treated with noise attenuation measures so as to

reduce the noise to the satisfaction of the Responsible Authority.

**5. General Amenity**

The use of the land must not adversely affect the amenity of the area, by way of:

- a) processes carried on the land;
- b) the transportation of materials, goods or commodities to or from the land;
- c) the appearance of any buildings, works or materials;
- d) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; or
- e) the presence of vermin.

to the satisfaction of the responsible authority.

**6. Waste / Recycling Collection Area**

An area at the rear of the subject land must be set aside for the purpose of a waste disposal/collection bin. Such area must have minimum dimensions of 2.4 metres wide by 1.8 metres deep and where located outside a building it must be screen-fenced so as not to be visible from any public road or thoroughfare. The waste bin area must be provided prior to the commencement of the use permitted by this permit, maintained and used to the satisfaction of the Responsible Authority and must not be used for any other purpose.

**7. Control of Lightspill**

Prior to the commencement of the use external lighting must be designed, baffled and located so as to prevent any unreasonable adverse effect on adjoining land to the satisfaction of the responsible authority.

**8. Number of Students**

The number of students accommodated on the land must not exceed 8 (this excludes any carers or duty managers)

**9. Time for Starting and Completion**

This permit will expire if the following circumstance applies:

- a) the use is not started within **two (2) years** of the date of this permit;

## Application Details:

Responsible Officer:	Ronan Murphy
Application Number:	2016-17
Applicants Name:	D J Mongan
Date Application Received:	13 January 2016
Statutory Days:	42
Land/Address:	750 Kyabram-Cooma Road COOMA VIC 3616
Zoning and Overlays:	Farming Zone Land Subject to Inundation Overlay
Why is a permit required (include Permit Triggers):	35.07-1 Use of the land for a dwelling 35.07-4 Buildings and works associated with a Section 2 Use
Are there any Restrictive Covenants on the title?	Yes Section 173 Agreement AG268555G

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## Proposal

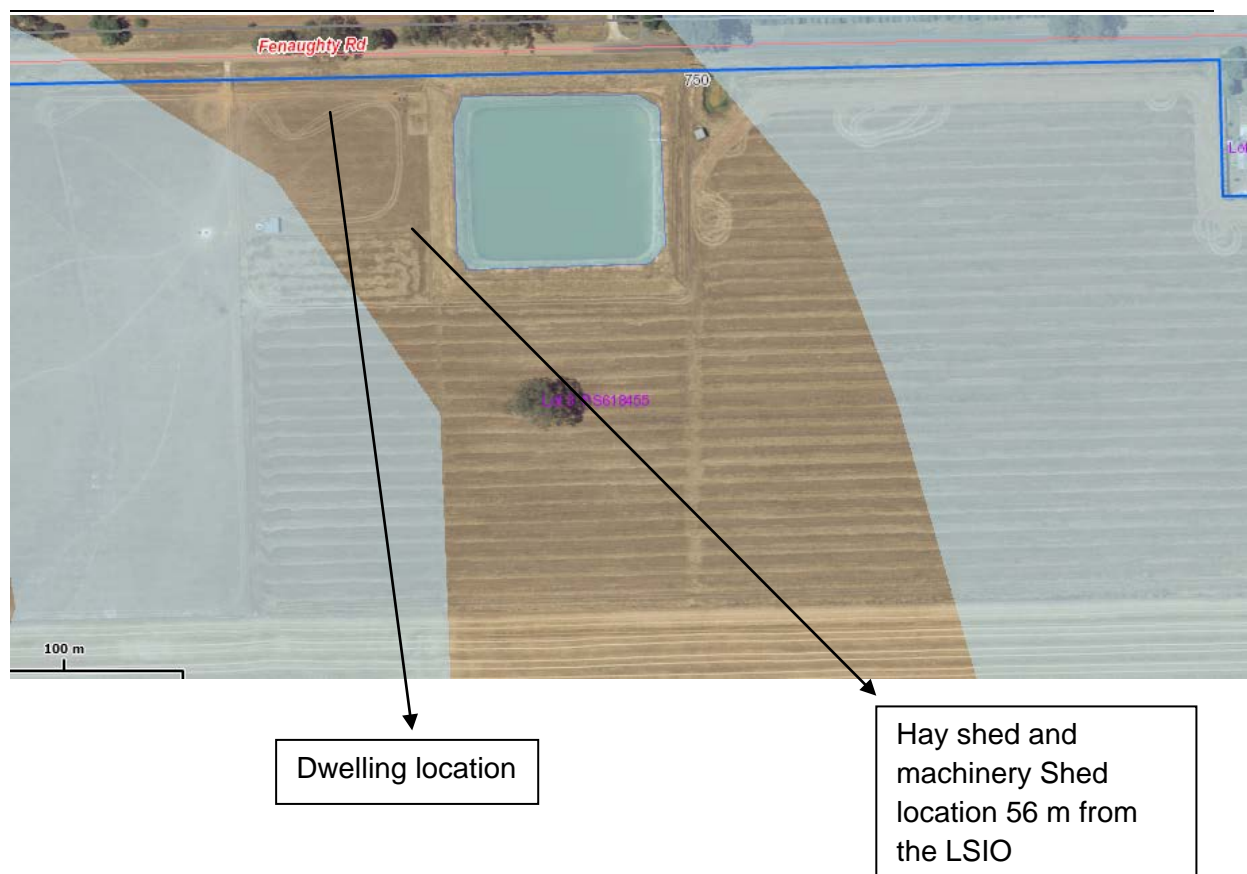
The application for a planning permit proposes the use and development of the land for a dwelling, a hay shed and a machinery storage shed.

The land is within the Farming Zone and is partially affected by the Land Subject to Inundation Overlay.

A Planning Permit is required pursuant to the provisions of Clause 35.07-1 of the Planning Scheme for the use of the land for a dwelling as the site has an area of 59.9ha (0.01ha less than the 60 ha required for an as of right dwelling)

A Planning Permit is also required pursuant to the provisions if Clause 35.07-4 of the Planning Scheme for buildings and works in the Farming Zone associated with a section 2 use and for a hay shed and a machinery storage shed (a planning permit is required as the proposed sheds would be within 100m of a designated flood plain)

A Planning Permit is not required in the Land Subject to Inundation Overlay as the area of land proposed to be developed is outside of the overlay as shown below:



In support of the application the applicant has stated that the dwelling is required for the following reasons:

- The land is used for a walnut orchard (approx. 21 ha and 9,000 trees) and sheep stud, the dwelling is required to oversee the operation.
- The dwelling is required to enhance the management of the operation.

It is considered that the proposal would achieve an acceptable planning outcome when assessed against the provisions of Local and State provisions and the provisions of the Farming Zone.

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## Summary of Key Issues

The proposal comprises of the use and development of the land for a dwelling in the Farming Zone and associated hay shed and machinery storage shed.

The application did not require any external referrals or notifications.

The application was referred to the Council's Development Engineers and Health Department, neither department objected to the proposal, subject to conditions.

The application was notified and 1 objection was received.

## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2016-17** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **35.07-1 and 35.07-4** of the Greater Shepparton Planning Scheme in respect of the land known and described as **750 Kyabram-Cooma Road COOMA VIC 3616**, for the **Use and development of the land for a dwelling in the Farming Zone and buildings and works for a hay shed and machinery shed in the Farming Zone.** in accordance with the Notice of Decision and the endorsed plans.

### Moved by Michael MacDonagh

### Seconded by Colin Kalms

That Council having caused notice of Planning Application No. **2016-17** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **35.07-1 and 35.07-4** of the Greater Shepparton Planning Scheme in respect of the land known and described as **750 Kyabram-Cooma Road COOMA VIC 3616**, for the **Use and development of the land for a dwelling in the Farming Zone and buildings and works for a hay shed and machinery shed in the Farming Zone.** in accordance with the Notice of Decision and the endorsed plans

**CARRIED**

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## Subject Site & Locality

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

Date: **15/1/16** Time: **9.50** am

The site has a total area of **55.9 hectares** and currently contains:

- The land is currently used as a walnut orchard and sheep stud.

The main site/locality characteristics are:

- The land is within a predominantly agricultural area.



The Photos below show the existing site:



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## Permit/Site History

The history of the site includes:

- 2014-222  
Planning Permit for earthworks (whole farm plan) in the Farming Zone and Land Subject to Inundation Overlay.
- 2015-119  
Planning Permit granted for buildings and works for a pump shed in the Farming Zone.

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## Further Information

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

What date was the further information requested?: **n/a**

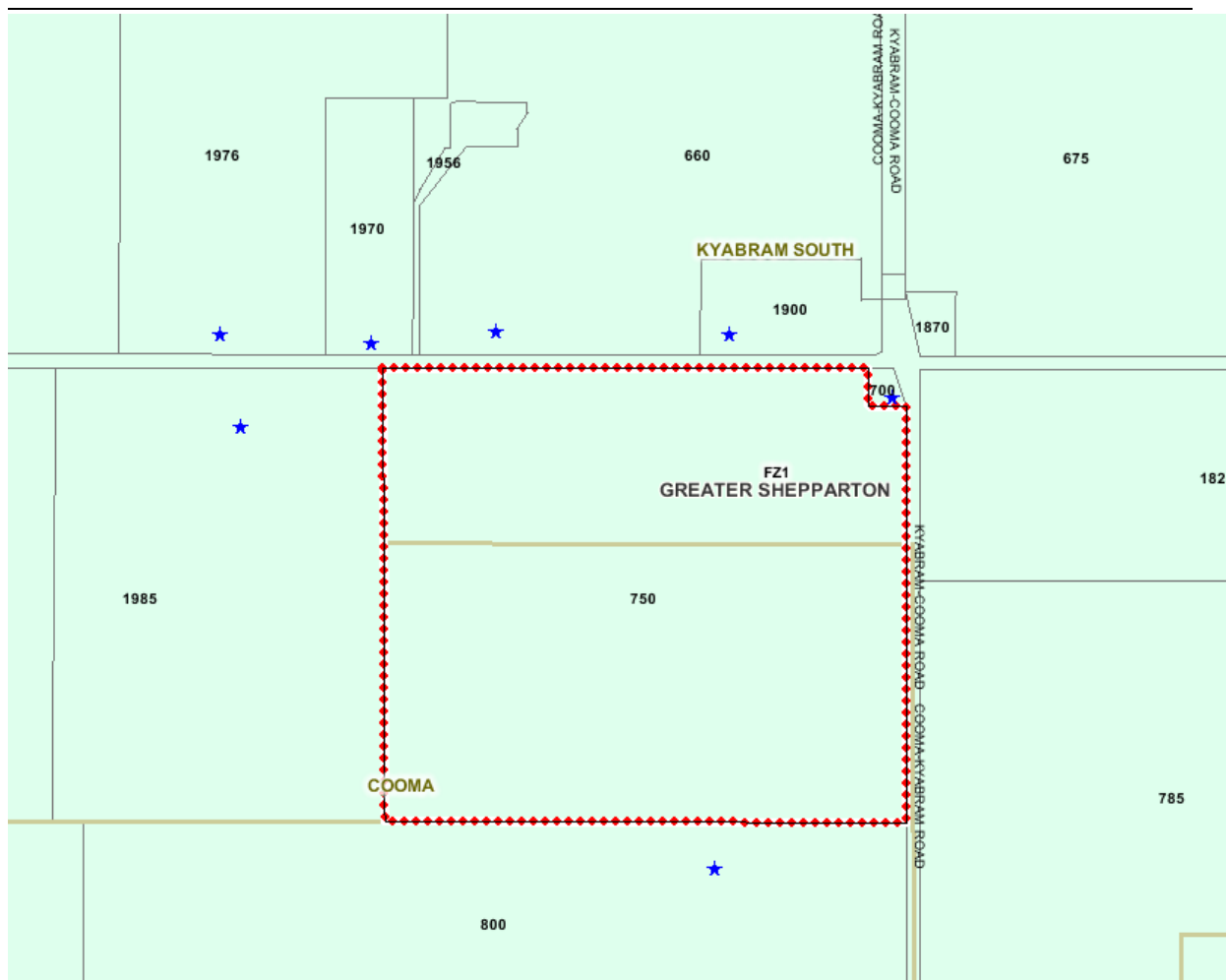
What date was the further information received?: **n/a**

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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 ***use and development of the land for a dwelling, in the Farming Zone***, by:

- Sending notices to the owners and occupiers of adjoining land.
- Sign on site



The applicant returned the statutory declaration which stated that the sign was maintained between 32/1/16 and 8/2/16.

## Objections

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

Reason for objection	Officers response
Potential for the proposal to flood the objectors property	The proposed dwelling and associated shedding are located outside of the area affected by the Land Subject to Inundation Overlay.
Incompetent farming practices	This is not a pertinent consideration in this case. The proposed dwelling would assist in the management of the farm enterprise.
Risk of environmental problems if the septic	The applicant has not provided an area for

tank is located within the area of the land affected by the Land Subject to Inundation Overlay.	the septic tank system. The application was referred to the Council's Environmental Health Department, who will require that an application to install a septic tank system prior to the commencement of works.
A number of native trees have been planted 1 metre away from the property boundary.	A Planning Permit is not required to plant trees.
Property not properly maintained	The proposed dwelling would assist in the management and maintenance of the farm.
Land is affected by the Land Subject to Inundation Overlay any proposed buildings should only be approved if built above the last known flood levels for this area.	The area in which the dwelling is proposed to be located is not affected by the Land Subject to Inundation Overlay.
Does the applicant have a whole farm plan.  What provisions are in the farm plan relating to spraying of his crop	A planning permit was granted for earthworks (whole farm plan) in September 2014.  The land is within the farming zone, the spraying of crops is an essential part of agriculture.
Proposed building is a safety concern due to the close proximity to the existing turkey nest dam on the property. The dam is not properly maintained and any proposed earth moving works could undermine the dam wall causing flooding into the objectors property.	It is considered that the proposal would not have an impact on the turkey nest dam.  The dwelling would also require a building permit which would ensure that the dwelling would not have an impact on surrounding structures.

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## Title Details

The title includes a Section 173 Agreement AG268555G. The application would not breach the provisions of the Section 173 Agreement for the following reasons:

The agreement states that the land cannot be further subdivided, the proposal relates to the use and development of the land for a dwelling and an agricultural shed.

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## Consultation

Phone call to objector 4 March 2016. The objector was contacted to discuss the objection which was made.

- It became clear that there was no chance of mediation in this case.

- The objector was informed that the Planning Department would be recommending that a Notice of Decision be granted at the Development Hearings Panel.
- The objector was informed about the Development Hearings Panel process.

## Referrals to Authorities

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
No referrals required			

## Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
No notice required	

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p><b><u>Rural Vehicle Crossing Location</u></b></p> <p><i>Before occupancy the vehicle crossings providing access to the land must be constructed at a location and of dimensions and standard to the satisfaction of the responsible authority. Vehicle crossing(s) must be constructed at the owner's expense.</i></p> <p><i>The vehicle crossing must be no less than 4.9 metres in length and include a pipe of a diameter suitable to accommodate the actual volume/flow (having a minimum diameter of (375) mm). Culverts located in the clear zone shall be installed with trafficable end walls (refer IDM standard drawing SD 255). The final location of the crossing is to be approved by the responsible authority via a 'Works within the Roads Reserve' (Road Opening) permit.</i></p>
Health	<p><b><u>Rural Drainage – Works</u></b></p> <p><i>Before the use begins and/or the building(s) is/are occupied all stormwater and surface water drainage from the land, buildings and works <b>must be retained on-site and/or connected</b> to the legal point of discharge to the satisfaction of the Responsible Authority/Goulburn Murray Water. Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.</i></p> <p><i>Property connections discharging to the road table drain must do so to the side of the end wall of the newly constructed driveway and not directly to the table drain.</i></p> <p><i>Prior to the commencement of works for the proposed dwelling the owner must lodge with the Council an application to Install a Septic Tank System in accordance with the Code of Practice – Onsite Wastewater Management, Publication 891.3, February 2013.</i></p> <p><i>The application to Install a Septic Tank System must include:</i></p> <ol style="list-style-type: none"> <li>1) <i>The application form provided by the Council completed, signed and dated by the owner.</i></li> <li>2) <i>A floor plan of the proposed dwelling.</i></li> <li>3) <i>A site plan indicating the location of the effluent disposal area / reserve area.</i></li> </ol>

	<p>4) <i>The design of the effluent disposal system including instructions for installation and working drawings.</i></p> <p>5) <i>The current application fee.</i></p>
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## **Assessment**

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

#### **Farming Zone**

The purpose of the Farming Zone is:

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

A Planning Permit is required pursuant to the provisions of Clause 35.07-1 of the Planning Scheme for the use of the land for a dwelling and 35.07-4 of the Planning Scheme for buildings and works in association with a Section 2 Use and for a shed in the Farming Zone.

Clause 35.07-6 of the Planning Scheme sets out the following Decision Guidelines:

#### **General issues**

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

#### **Agricultural issues**

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*

### ***Dwelling issues***

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

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

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*

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

- The land is capable of accommodating the proposed dwelling and associated shedding. The land has an area of 59.9ha, which provides an appropriate size for a dwelling. Further to this the land is 0.1ha under the size of a block which would give an as of right dwelling.
- The applicant has stated that the dwelling is required to ensure that he can manage the on going use of the land for a walnut orchard.
- The proposed dwelling would ensure that the applicant could live on and manage the farm which would comply with the sustainable land management.
- The proposed dwelling would support an existing agricultural use of the land.
- The proposal would not have any impact on the ability of adjoining agricultural activities to expand.
- The proposal would not lead to the fragmentation of agricultural land.
- The dwelling is reasonably required for an existing agricultural enterprise.
- The proposed dwelling would not have any impact on surrounding agricultural operations.

- The proposed dwelling would be appropriately located in an area of the land which is not affected by the Land Subject to Inundation Overlay and would not have any impact on surrounding agricultural uses.
- The proposed dwelling would not have any impact on views/ vistas in the area or the natural environment.

In light of the above, it is considered that the proposal would comply with the provisions of Clause 35.07-6 of the Planning Scheme.

#### **Relevant overlay provisions**

##### Land Subject to Inundation Overlay

The purpose of the Land Subject to Inundation Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

The proposed dwelling and sheds are not within the area of the land affected by the Land Subject to Inundation Overlay. Therefore no Planning Permit is triggered by the provisions of the Land Subject to Inundation Overlay.

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

Clause 14.01 Agriculture – objective is to minimise loss of productive farmland.

The objective for agriculture in this Clause is:

- *To ensure that the state agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and to enable protection of productive agricultural land which is of strategic significance in the local and regional context.*



It is State policy:

- *Permanent removal of productive agricultural land from the State's agricultural base must be undertaken without consideration of its economic importance for the agricultural production and processing sectors.*

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

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

The proposal would comply in the following ways:

- The proposal would utilise an area of the land which is not viable for agricultural production as the land is not irrigated and as such would not be appropriate for the purposes of a Walnut Orchard.
- The proposed dwelling would ensure that the land is appropriately managed and ensure that primary production is maintained on the land.
- The proposed dwelling would not have any impact on surrounding agricultural uses.

It is therefore considered that the proposal would comply with the provisions of Clause 14.01 of the Planning Scheme.

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

**Clause 21.04-3 Dwellings in Rural Areas**

**Objectives - Dwellings in Rural Areas**

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

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

- *Discourage the establishment of dwellings not associated with or required for the agricultural use of the land.*
- *Discourage dwellings on old and inappropriate lots where amenity may be negatively impacted by farming activities, or where dwellings may inhibit rural activities.*
- *Discourage dwellings which are proposed to meet personal or financial circumstances or to create dwellings for 'rural lifestyle' purposes.*
- *Discourage the clustering of new dwellings unless they do not limit the productive use and development of surrounding land.*

The proposal would comply with the objectives and strategies of Clause 21.04-3 of the Planning Scheme in the following ways:

- The proposed dwelling is required to assist in the management of an on-going agricultural enterprise on the land.
- The dwelling would not comprise of a dwelling which could be considered to be for rural lifestyle objectives.
- The dwelling would not have any adverse amenity impacts on surrounding rural activities.

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

#### **Criteria**

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

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

#### *Exercise of discretion*

*It is policy to:*

- *Discourage the construction of new dwellings on any land that is not suitable for the onsite disposal of septic tank effluent.*
- *Discourage the construction of new dwellings on any land with a water table within one metre of the surface when waste water is to be treated and retained on site.*

- *Require the applicant to enter into an agreement under section 173 of the Act to:*
  - *Ensure that the dwelling is used in conjunction with agricultural production;*
  - *Prevent the subdivision of the lot containing the dwelling where the proposed lot size is less than the minimum lot size for subdivision specified in the zone; and*
  - *Acknowledge the impacts of nearby agricultural activities.*
- *Discourage a second dwelling unless it is demonstrated that it is necessary to support a viable agricultural enterprise.*
- *Discourage the occupation of the second dwelling until the agricultural use with which it is associated has commenced.*
- *Require the applicant to enter into an agreement under Section 173 of the Act for a second dwelling (including a caretaker's house, a manager's house or a dwelling for agricultural workers) to prohibit the further subdivision of the land around the dwelling.*

#### *Decision guidelines*

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

- *The relationship between the proposed dwelling and the agricultural activity on the land.*
- *Evidence including an Integrated Land Management Plan under Clause 35.07-6 (or similar) addressing the relationship between agricultural activities on the land and the proposed dwelling.*
- *The agricultural productive capacity or the agricultural potential of the land.*
- *The nature of the existing agricultural infrastructure and activity on the land and any new proposed agricultural infrastructure and activity at the land.*
- *The nature of the agricultural activities on the land and whether they require permanent and continuous care, supervision or security.*
- *The proposed siting of the dwelling and whether it minimises impacts on existing and potential agricultural operations on nearby land.*
- *The lot size, context and physical characteristics of the land.*
- *Whether the dwelling will result in a rural living or rural residential outcome in the area.*

- *The planning history of the land.*
- *The potential for land to be consolidated with other land to enhance agricultural productivity.*
- *Whether the planning scheme identifies a ‘non-agricultural’ future for the land and the implications of development on future development options.*

The proposal would comply in the following ways:

- The dwelling would be required to manage the on-going agricultural enterprise on the land.
- The land has an area of 59.9ha, is an appropriate size for a dwelling associated with an on-going agricultural enterprise and is not considered to provide a rural lifestyle opportunity.
- The location of the proposed dwelling would not have any impact on surrounding agricultural enterprises.

It is considered that the proposal would comply with the provisions of Clause 21.06-3 of the Planning Scheme.

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

*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 comply in the following ways:

- The proposed development would comply with the provisions of the Farming Zone, local and state policy.
- The proposal would not have a detrimental impact on the amenity of the area and would comply with the orderly planning of the area.
- The land is not in proximity to any publicly owned land.
- The proposal would not lead to any degradation, salinity and would not reduce water quality.
- The proposal would not have any impact on the quality of stormwater within or exiting the site.
- The proposal would not require the removal of any native vegetation.

It is considered that the proposal would comply with Clause 65 of the Planning Scheme.

**Relevant incorporated or reference documents**

The Rural Regional Land Use Strategy.

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

There are no other relevant adopted State or strategic policies that relate to this application.

**Relevant Planning Scheme amendments**

There are no relevant planning scheme amendments that relate to this application.

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

There are no relevant significant social or economic effects that relate to this application.

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

There are no other Acts that relate to this 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.

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

The Charter of Human Rights and Responsibilities has been considered.

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### **Conclusion**

The proposal provides an acceptable planning outcome when assessed against the provisions of the Farming Zone, local and state policy and it is recommended that a Notice of Decision to grant a Planning Permit should issue.

## Draft Notice Of Decision

**APPLICATION NO:** 2016-17  
**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:** 750 KYABRAM-COOMA ROAD COOMA VIC  
3616

**WHAT THE PERMIT WILL ALLOW:** USE AND DEVELOPMENT OF THE LAND FOR A  
DWELLING IN THE FARMING ZONE AND  
BUILDINGS AND WORKS FOR A HAY SHED AND  
MACHINERY SHED IN THE FARMING ZONE.

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

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1. **Amended Plans Required**

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

- Site layout showing the set back of the dwelling and sheds from the turkey nest dam;
- floor and building elevations of all proposed structures on the land.

2. **Layout Not Altered**

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

### 3. **Connection to Services**

Before the dwelling hereby permitted is occupied:

- a) All stormwater and surface water drainage from the land, buildings and works, must be retained on site or directed to the legal point of discharge to the satisfaction of the responsible authority. Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.
- b) The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use.
- c) The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
- d) The vehicle crossings providing access to the dwelling 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 must be no less than 4.9 metres in length and include a pipe of a diameter suitable to accommodate the actual volume/flow (having a minimum diameter of (375) mm). Culverts located in the clear zone shall be installed with trafficable end walls (refer IDM standard drawing SD 255). The final location of the crossing is to be approved by the responsible authority via a 'Works within the Roads Reserve' (Road Opening) permit.

to the satisfaction of the Responsible Authority.

### 4. **Construction Phase**

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality, including:

- a) Avoiding the transport of mud onto roads;
- b) Minimising the generation of dust during earthworks or vehicles accessing site;
- c) The retention of all silt and sediment on the site during the construction phase, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and;
- d) Maintaining a neat and tidy site.

### 5. **Rural Drainage Plan**

Before the dwelling is occupied all stormwater and surface water drainage from the land, buildings and works must be retained on-site or connected to the legal point of discharge to the satisfaction of the Responsible Authority/Goulburn Murray Water. Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.

Property connections discharging to the road table drain must do so to the side of the end wall of the newly constructed driveway and not directly to the table drain.



**6. Health Requirements**

Prior to the commencement of works for the proposed dwelling the owner must lodge with the Council an application to Install a Septic Tank System in accordance with the Code of Practice – Onsite Wastewater Management, Publication 891.3, February 2013.

The application to Install a Septic Tank System must include:

- 1) *The application form provided by the Council completed, signed and dated by the owner.*
- 2) *A floor plan of the proposed dwelling.*
- 3) *A site plan indicating the location of the effluent disposal area / reserve area.*
- 4) *The design of the effluent disposal system including instructions for installation and working drawings.  
The current application fee.*

**7. Time for Starting and Completion**

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

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