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# DRAFT PLANNING PERMIT

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

Permit No.: 2021-208

Planning Scheme: Greater Shepparton

Responsible Authority: Greater Shepparton  
City Council

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ADDRESS OF THE LAND:

480 Raftery Road KIALLA VIC 3631

THE PERMIT ALLOWS:

6 lot subdivision in the Rural Living Zone, Urban  
Floodway Zone, Land Subject to Inundation  
Overlay and Bushfire Management Overlay

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. **Layout Not Altered**

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

2. **Septic Requirements**

- a) Prior to the Statement of Compliance being issued, the existing septic tank system situated on Lot 1 must be upgraded in order to comply with the requirements of the Environment Protection Act 2017, Environment Protection Regulations 2017 and the requirements of the Code of Practice – Onsite Wastewater Management 89.4 July 2016.

The owner for Lot 1 shall lodge with Council an Application to Alter a Septic Tank System in accordance with the Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016.

The application to Alter a Septic Tank System shall include:

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Signature for the  
Responsible Authority

- The application form provided by the Council completed, signed and dated by the owner.
  - A floor plan of the dwelling.
  - A site plan indicating the location of the new effluent disposal area / reserve area.
  - The design of the effluent disposal system including instructions for installation and working drawings, in accordance with the relevant Land Capability Assessment.
  - The application fee.
- b) Prior to the commencement of works for the proposed dwelling on Lots 2-6 the owner shall lodge with the Council an application to Install a Septic Tank System in accordance with the Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016.

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, in accordance with the relevant Land Capability Assessment.
- The current application fee.

### 3. **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 that:

#### Environmental Health

#### Effluent Disposal

All wastewater from any single dwelling must be;

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- Treated to a minimum of 20mg/L Biological Oxygen Demand and 30mg/L Suspended Solids using an approved aerated wastewater treatment plant or equivalent, and disposed of via sub-surface irrigation in accordance with the Land Capability Assessment E3024.1AB dated 24 June 2021, prepared by Ground Science; or  
Be subject to a site specific system design, based on a Land Capability Assessment for that allotment, prepared by a suitably qualified soil science professional.
- The minimum 1000m<sup>2</sup> effluent disposal envelope for lots 2-6 are to be located generally in accordance with Drawing 21056/01 Rev 4 – Plan of Proposed Subdivision. Any variation is to be approved in writing by the responsible authority.
- Connect to Goulburn Valley Water's reticulated sewer system if or when sewer becomes available.

Goulburn Murray Water

All wastewater generated from any future development on the new lots 2 to 6 created by subdivision must be:

- treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Approval.
- Applied to the land of via pressure compensated sub-surface irrigation installed along the contour.

The wastewater disposal area associated with any future development of the new lots 2 to 6 must be:

- kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
- must be appropriately sized to manage the potential volume of wastewater generated under full occupancy (based on a minimum number of bedrooms), based on a full water balance specific to the proposal and subject land in accordance with the EPA Code of Practice – Onsite Wastewater Management.
- Located at least 50m from the Goulburn River, 30m from Goulburn Murray Water channel no. 2 (measure from the inside top edge of the channel bank),

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30m from any waterways (including surrounding depression land) and 30m from any dams.

No buildings are to be constructed within 50m of the Goulburn River, 30m of Goulburn Murray Water channel no. 2 (measure from the inside top edge of the channel bank) or 30m from any waterways (including surrounding depression land).

**Bushfire Management Overlay**

- This agreement has been prepared for the purpose of an exemption from a planning permit under 44.06-2 of the Greater Shepparton Planning Scheme
- The Bushfire Management Plan (prepared by Yarra Valley BAL Assessments (Version B, 12 March 2022) must not be altered unless otherwise agreed in writing by the Country Fire Authority and the responsible authority.
- The endorsed Bushfire Management Plan is included as an annexure to the Section 173 agreement to give effect to Clause 44.06-5 of the Greater Shepparton Planning Scheme.
- A dwelling constructed on the land without a planning permit must implement the bushfire mitigation measures set out in the plan incorporated into the agreement and be maintained to the satisfaction of the responsible authority on a continuing basis

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.

**4. 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 3 per cent of the site value of all land in the subdivision.

The owner must advise 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.

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**5. Rural Drainage Plan**

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 then will 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 run off, demonstrated by contours or levels
- b) independent drainage for each lot to the legal point of discharge
- c) demonstrate how the discharge rate from the new properties has no detrimental effect on the adjacent properties
- d) property connections discharging to the table drain must do so to the side of the endwall (*driveway*) and not directly to the table drain
- e) documentation demonstrating approval from the relevant authority for the point of discharge

Before the issue of a statement of compliance, the works shown on the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

**6. Vehicle Crossings**

Before the development of the crossovers starts a crossover design must be submitted to the responsible authority to show:

- a) a design generally in accordance with the IDM SD 255
- b) sealed crossover no less than 5 metres in length from the existing edge of road to the new lot;
- c) a pipe of a diameter suitable to accommodate the actual volume/flow (having a minimum diameter of (375) mm);
- d) culverts located in the clear zone shall be installed with trafficable end walls (refer IDM standard drawing SD 255).

Before the issue of a 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 final location of the crossing is to be approved by the responsible authority via a 'Works within the Roads Reserve' (Road Opening)' permit.

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## 7. Country Fire Authority Requirements

### **Bushfire Management Plan**

The Bushfire Management Plan prepared by Yarra Valley BAL Assessments (Version B, 12 March 2022) must be endorsed to form part of the permit and be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-5 of the Shepparton Planning Scheme. The plan must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

### **Defendable space**

Show an area of defendable space:

- 19 metres from the grassland vegetation to the north east
- 41 metres from the woodland vegetation to the south east, south west and north west

Where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared Fire Danger Period
- All leaves and vegetation debris must be removed at regular intervals during the declared Fire Danger Period
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under canopy trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

### **Construction standard**

The dwellings must be located within the designated building envelopes and designed and constructed to a minimum Bushfire Attack Level of BAL 29

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## Water supply

A water supply with an effective capacity of 10,000 litres must be established on the site for firefighting purposes which meets the following requirements:

- Be stored in an above ground tank constructed of concrete or metal
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (65 millimetre BSP) and coupling (64mm CFA 3 threads per inch male fitting)
- Any pipework and fittings must be a minimum of 65 millimetres (excluding CFA coupling)

## Access

Access to the dwelling and CFA water supply outlet must meet the following requirements:

- All-weather construction
- A load limit of at least 15 tonnes
- Provide a minimum trafficable width of 3.5 metres
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4 percent) (8.1°) with a maximum of no more than 1 in 5 (20 percent) (11.3°) for no more than 50 metres
- Dips must have no more than a 1 in 8 (12.5 percent) (7.1°) entry and exit angle.
- Where length of access is greater than 100m, a turning area for fire fighting vehicles must be provided close to the building by one of the following:
  - A turning circle with a minimum radius of eight metres.
  - A driveway encircling the dwelling.
  - The provision of other vehicle turning heads – such as a T or Y head – which meets the specification of Austroad Design for an 8.8 metre Service Vehicle

## Maintenance of Defendable Space

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Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the defensible space on every lot in the subdivision must be implemented and maintained as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

**8. Goulburn Murray Water Requirements**

- a) All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.
- b) Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- c) Prior to Statement of Compliance being issued, the owner shall enter into an Agreement with the Responsible Authority and Goulburn Murray Water under Section 173 of the Planning and Environment Act ensuring that:

All wastewater generated from any future development on the new lots 2 to 6 created by subdivision must be:

- treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Approval.
- Applied to the land of via pressure compensated sub-surface irrigation installed along the contour.

The wastewater disposal area associated with any future development of the new lots 2 to 6 must be:

- kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
- must be appropriately sized to manage the potential volume of wastewater generated under full occupancy (based on a minimum number of bedrooms), based on a full water balance specific to the proposal and subject land in accordance with the EPA Code of Practice – Onsite Wastewater Management.

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- Located at least 50m from the Goulburn River, 30m from Goulburn Murray Water channel no. 2 (measure from the inside top edge of the channel bank), 30m from any waterways (including surrounding depression land) and 30m from any dams.

No buildings are to be constructed within 50m of the Goulburn River, 30m of Goulburn Murray Water channel no. 2 (measure from the inside top edge of the channel bank) or 30m from any waterways (including surrounding depression land).

The owner shall meet the cost of the registration of the agreement on the title.

This agreement must be registered on title.

- d) Prior to the Certification being issued evidence must be provided to Goulburn Murray Water that the existing onsite wastewater management system on proposed Lot 1 meets the requirements of the current EPA Code of Practice – Onsite Wastewater Management. The evidence will need to demonstrate that:
- The existing wastewater management system is performing in a satisfactory manner.
  - The wastewater disposal area is adequately sized and located in accordance with the current EPA Code of Practice – Onsite Wastewater Management.
  - If the system is found not to comply with the current EPA Code of Practice – Onsite Wastewater Management. The system will need to be upgraded accordingly and evidence provided to GMW outlining how this has occurred.
- e) For subdivision of property holding delivery shares the applicant must either:
- make application to Goulburn Murray Water pursuant to sections 224 and 229 of the Water Act 1989 to: terminate or transfer 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); or alternatively
  - demonstrate to Goulburn Murray Water reasonable satisfaction the means by which a Goulburn Murray Water 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.

## 9. Powercor Requirements

- a) This letter shall be supplied to the applicant in its entirety.

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- b) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- c) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

**Notes:** Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

- d) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

**Notes:** Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

- e) The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

**Notes:**

- Existing easements may need to be amended to meet the Distributor's requirements
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

**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.

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# 11. 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.

# 12. 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.

## NOTATIONS

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# IMPORTANT INFORMATION ABOUT THIS PERMIT

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## WHAT HAS BEEN DECIDED?

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

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## WHEN DOES THE PERMIT BEGIN?

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

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## WHEN DOES A PERMIT EXPIRE?

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

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