

14/02/2008  
C71

## **SCHEDULE 11 TO THE DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO11**

### **KIALLA LAKES EXTENSION DEVELOPMENT PLAN**

#### **1.0**

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#### **Requirement before a permit is granted**

Before any use, development or subdivision commences the Kialla Lakes Extension Development Plan must be prepared and endorsed to the satisfaction of the Responsible Authority.

The Kialla Lakes Extension Development Plan may be amended to the satisfaction of the Responsible Authority.

A permit may be granted before a development plan has been prepared for the development of an existing allotment for the purpose of a single dwelling, for any buildings or works associated with the ongoing maintenance or operation of the subject site.

If the proposed use or development is not consistent with the approved development plan, then the development plan must be amended.

#### **2.0**

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#### **Conditions and Requirements for Permits**

The following conditions must be included, where relevant, on any planning permit issued to subdivide land:

- A condition requiring that prior to the commencement of any works, a Contamination Management Plan must be submitted to the responsible authority for endorsement.
- A condition requiring a section 173 agreement to be registered on the land to provide for:
  - The adequate separation of new dwellings from adjoining agricultural activities at relevant locations..
  - The recognition of the impact of aircraft noise and visual intrusion of aircraft.
  - No electrical or radio equipment to be used which is likely to cause interference with Aviation Navigation Aids.
  - Buildings to be constructed with non reflective materials.
  - No trees, buildings or structures to breach the obstacle limitation surface including construction activities.
  - No dwelling or other outbuilding is to be constructed within (the?) 135m AHD obstacle limitation.
  - A 2.4m high colorbond fence to be installed along the boundary abutting the aerodrome except in the general location of the runway end where heights are to be confirmed by the Aerodrome Manager. Appropriate signage is to be securely fixed to the fence stating “unauthorised access prohibited” to the satisfaction of the Responsible Authority and the Shepparton Aerodrome Committee. The developer shall liaise with the Shepparton Aerodrome Committee and seek their approval of the sign and proposed location(s) before the sign(s) is erected.
- Contributions to relevant infrastructure in accordance with the approved Infrastructure Provision Plan and existing associated agreements devised for the development plan.

- Prior to a Statement of Compliance for each stage of the development, the developer must provide the Responsible Authority with a copy of each contract of sale document which addresses the matters listed above.

### 3.0

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#### Requirements for development plan

The development plan must show or include sufficient detail to demonstrate that the future subdivision and development of the land will integrate with the immediately surrounding area, and must show:

- A schedule showing the nature, timing and approximate costs of works to be carried out by the developer and apportionment of contributions to relevant infrastructure, being roadworks, service infrastructure, parks and landscaping.
- The proposed subdivision layout and development of the land including roads, lot boundaries, streetscape treatments, and landscaping.
- The location of the 135 AHD obstacle limitation.
- Diversity in residential allotment sizes and dimensions to encourage variety in dwelling types.
- The stages, if any, in which the land to which the plan relates is to undergo subdivision and a timetable of any staging of future development of that land.
- The pedestrian and bicycle network, including links to any networks on abutting land and access to public transport services.
- Location and layout of non-residential uses, including neighbourhood centres and open space.
- The layout of major areas of open space and the type of facilities, if any to be provided for users of the open space. These facilities must be safe and convenient for likely future users.
- The location of any significant environmental, cultural, heritage and/or ecological (faunal and/or floral) features including remnant vegetation.
- Stormwater management methods, including the location of any on-site drainage retention facilities.
- How the proposed development addresses any flood impacts on the subject land.
- Arrangements for the provision of all appropriate infrastructure and services to the land.

The development plan is to be accompanied by:

- An environmental assessment of the land, involving a flora and fauna survey, which identifies the health and habitat value of all native vegetation.
- A survey of the area for aboriginal archaeological sites.
- A stormwater management plan detailing how stormwater will be collected and treated within the development, with particular emphasis on the removal of sediment, litter and urban waste from stormwater prior to its discharge into local watercourses, and demonstrating how that process will not impact adversely on the natural flood carrying capacity of the local watercourses.
- Any drainage management plan prepared as part of the development plan is to be subject to appraisal by the Goulburn Broken Catchment Management Authority to ensure that no impedence would be introduced that would result in an increase in flood impacts of properties that were not the subject of the development plan under consideration.

- A preliminary soil assessment demonstrating the extent of any contaminated soils that may exist on the subject land, and if detected, a more detailed assessment outlining the location of the contaminated soil, the type of contaminants detected, and the strategies required to be undertaken to de-contaminate the affected areas.
- A Transport Impact Assessment Report that includes the identification of appropriate access and circulation of vehicles on the existing and future road network, and upgrade works necessary to accommodate traffic generated by the development and to mitigate the impact of the development must be prepared to the satisfaction of the Responsible Authority and VicRoads.
- An Infrastructure Provision Plan approved by the Responsible Authority which makes arrangements for the owner or developer or both, to meet or contribute to the cost of infrastructure and utilities, both on and off the land, generally associated with, or relating to the subdivision of the land. The Infrastructure Provision Plan must address, as appropriate:-
  - Arrangements for provision of any necessary infrastructure or utilities referenced in the various plans otherwise required by this clause;
  - The provision of drainage and earthworks;
  - The provision of roadworks both internal and external;
  - The provision of landscaping;
  - The staging of other incidental works;
  - The securing of the infrastructure and utility provisions via a Section 173 Agreement or agreements or via other acceptable means to the satisfaction of the Responsible Authority and VicRoads;
  - Provisions for delivered or future commitments to be made by early participants in the residential subdivision of the land to infrastructure and utility provision as stages of the subdivision progresses; in order to ensure equitable sharing of responsibility by existing and future participants across the land as the subdivision of the land proceeds; and
  - Any other matter reasonably requested by the Responsible Authority associated with the subdivision of the land.

Before approving the Development Plan, the responsible authority must consider the following and may include conditions where appropriate:

- The need for an appropriate agreement, conditions or other arrangement with Goulburn Murray Water with regard to irrigation channels, assets and easements that takes into account the following:
  1. Whether the development accords with the requirements of G-MW's policy on '*Acceptance of Urban and Industrial Water to Goulburn-Murray Water Drains*'.
  2. Responsibility for all drainage from the development, including whether the development area will need to be added to the special charge for drainage.
  3. Whether the proposed development is to be excised from the Goulburn Murray Irrigation District.
  4. The requirement for any existing easements covering G-MW infrastructure on the development land are to be converted to G-MW freehold.
  5. The need for all residential dwellings to be located more than five metres from any G-MW drain.
  6. The need for all residential dwellings to be located more than 30 metres from any G-MW channel, measured from the inside top of the channel bank. A reduced channel setback distance *may* be agreed by G-MW pending supporting evidence being provided by the developer showing that no seepage occurs from G-MW's channel.

7. A site Construction Management Plan following the sediment control principles outlined in *Construction Techniques for Sediment Pollution Control* (EPA, 1991) must be submitted to the Responsible Authority for approval prior to any works commencing.
8. The possible removal of Channels No. 7 and 5/7 from the land.
  - The existence of a Transmission Gas pipeline along Archer Road within an easement and the requirement of APA Group that no buildings or structures are permitted to be erected on the easement.
  - The need for relevant remedial action within the area identified by Coffey Geosciences as exhibiting elevated arsenic concentrations and the subsequent issue of a Certificate of Environmental Audit for the land in accordance with Part IXD of the Environment Protection Act 1970 (as outlined in Ministerial Direction No. 1) prior to proceeding with the planned development.
  - The environmental, ecological, landscape, archaeological, historical and cultural values and features of the site, as identified by an environmental assessment of the land, involving a flora and fauna survey, which identifies existing vegetation required to be protected and enhanced in the subdivision design.
  - The provision of buffers from land used for intensive agricultural purposes. The distance of the buffer may be varied from a minimum of 50 metres depending on environmental and topographical features of land separating the dwelling from agricultural use. Such a buffer should comprise various species with a variety of leaf shapes and heights, and be located in a manner that provides for airflow through the buffer, but limits the drift of sprays. In considering permit applications for use and/or development that may cause or be affected by spray drift, the responsible authority must take into consideration the following:
    - The potential for off target movement of agricultural chemicals and its potential effect on sensitive uses including residences.
    - The location of the use and development in relation to the release point of the spray.
    - The topography of the land.
    - The micro-climatic conditions of the land.
    - The method of application, frequency of application and target structure.
    - Any requirements and/or views of the referral authorities for urban design and landscaping, traffic works, stormwater disposal, engineering works, environmental protections and enhancement, sewerage, drainage or flood mitigation works required to properly service the proposed use and development of the land.