

Frequently Asked Questions

Information required at functional layout stage – Drainage Master Plan

A number of submissions have been received over a period of time stating that the information required at functional layout stage is excessive and generally not available at that time.

In relation to the requirement for a drainage master plan to be prepared it is considered that this is absolutely essential to ensure that at the detailed design stage that drainage basins etc fit in the area allocated to them. A number of examples have occurred when this information has been provided at detailed design phase when the lot layout has been fixed and the area set aside for the basin has been insufficient.

Footpaths on both sides

The requirement for footpaths on both sides is specified in Clause 56 of the planning scheme, with the exception of streets that have less than five dwellings. However, this is a minimum requirement and Clause 56 note not preclude additional footpaths. In fact to comply with the objectives of access and mobility there is good argument that footpaths at all frontages are appropriate. While Clause 56 makes note of shared zones, we believe that people with disabilities are at an unreasonable risk in these environments. Because this is unreasonable, it could be deemed to be discriminatory under the Disability and Discrimination Act. This view is supported by Universal Access Workshops held within the Shire of Campaspe.

Does the IDM conflict with Clause 56 of the Planning Scheme?

One of the objectives of the Infrastructure Design Manual is to provide a system by which Councils can determine and implement infrastructure standards that reflect and address local needs or desires.

These are considered to be consistent with the objectives of Clause 56 of the Planning Scheme. The disputes about discrepancies between Clause 56 and the Infrastructure Design Manual arise when people only compare the minimum standards but neglect to consider full the objectives of the Clauses. The Planning Scheme does not require that minimum standards be provided, but more importantly it requires that the objectives of the Planning Scheme are met. Clause 56, Residential Subdivision states as follows:

“Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies”

In other words where local policies exist and are recognised in the planning scheme then these can require higher than the minimum standards specified in the planning scheme.

Too often Councils feel rail-roaded into adopting the absolute minimum standards of Clause 56 without full consideration being given to all aspects of Clause 56, especially the objectives of the Clauses.

Many people live in regional areas because of the neighbourhood character of the streets that are historically found in the country. Country residents generally do not want to live in minimum width streets and often provide this feedback to Councils.

Size of car parking spaces

One issue of difference between the IDM and the Planning Scheme is that of parking in regional areas, which is not adequately addressed by the minimum requirements of Clause 56. It is ridiculous to expect residents in small country towns to have the same parking requirements as metropolitan areas which have very different public transport services. Residents in small country towns often work in towns over 50 km away with no public transport systems, and therefore use their own cars. Often these cars are larger requiring more space than the smaller cars used to commute within large cities.

Councils often receive complaints about the size of parking bays constructed in accordance with the provisions of the Planning Scheme being too small with cars suffering damage as a result.

Parking bays designed in accordance with the requirements of the AS and AustRoads do not receive the same number of complaints.

Supervision Fees – Should be reduced?

A number of submissions have been received over time stating that Council's should not collect the full 3.5% supervision fee specified in the Subdivision Act as they are not fully supervising the works.

Councils are in effect undertaking the same level of inspection that they have undertaken for years and are asking the same fee for such. Councils are carrying out inspections at hold points or witness points to ensure that the assets to be handed over to Council comply to Council's standards.

What the manual highlights is that we are not administering the contract or giving direction to contractors, which is important for all parties to understand. Contractual arrangements exist between the Developer and Contractor, and Council is not one of the parties to the contract.

The purpose of this section is to highlight the relationships that exist to ensure that communications are appropriate.

Where Councils have reviewed the engineering fees for subdivisions the actual costs incurred are commensurate with the fees received. It is not deemed to be necessary to justify these costs.

T and Y intersections should be permitted

The Planning Scheme allows three-point turning of service vehicles in developments. Council have adopted an engineering principle that no waste vehicle, emergency service vehicle or street-sweeper shall need to reverse in developments. This is in response to recommendations made by the Coroner in relation to fatalities resulting from these types of vehicle movements. In addition to the Coroner's recommendation Council believes that cul-de-sacs are beneficial to the amenity of the residents living in the cul-de-sac because of footpath connectivity and safer environments for children.

Further to this Councils often receive criticism and complaint from their residents about these types of cul-de-sacs and have expressed a preference for court bowls.

Councils have also been contacted by waste collection contractors with concerns about this issue. It may be that a lack of appropriate turning facility at the end of dead-end streets may in the future lead to Councils not being able to provide waste collection services in these streets at great inconvenience to residents.

The IDM is not flexible enough and doesn't promote innovation

This comment has often been levelled at the IDM. The following two clauses in the IDM have adequately addressed this issue in that they provide for the situations where compliance to the IDM is not possible in the circumstances and where innovation or new technology can be used. The whole structure of the IDM with its objectives for each clause give designers the opportunities to use new technologies provided the objectives of the IDM are met.

Clause 1.6 states "The **Councils** using this **Manual** will make every endeavour to follow the requirements of this **Manual** unless there are circumstances that exist that make it impractical or unreasonable to follow the requirements of this **Manual** e.g.

- Renewing an existing asset which does not comply with the standards specified in this **Manual**.
- Where the protection of native vegetation or the existing streetscape make it impractical to adopt the IDM standards
- Where the adoption of the IDM standards would result in detriment to the neighbourhood character of an area.
- **Infrastructure** in a heritage precinct or heritage significant area.
- **Infill Development** where the surrounding or abutting standards are those which the Council wants to maintain."

Clause 1.7 states "**Councils** may give consideration to adopting and approving innovative solutions and using new technologies where it can be demonstrated to the satisfaction of the Council that the objectives of the relevant clauses of the IDM have been satisfied even though the specific technical provisions have not been met."

What can I do if my Council is not following the requirements of the IDM in relation to my development?

Occasionally submissions are received from developers and consultants which state that a Council who has adopted the IDM does not apply those requirements consistently to developers and consultants and sometime asks for matters which are contrary to the IDM.

The IDM Group does not have an appeal process nor is it likely that it will do so in the future.

If you have a problem with the way a Council administers the IDM and the requirements that they place on developers you can make an approach to the executive level of Council or to the Council itself or alternatively you can appeal to VCAT.

Can drainage reserves be counted towards the provision of Public Open Space?

Generally speaking reserves provided for drainage purposes are not included in the calculation for public open space. In certain situations the Council may consider a portion of a drainage reserve used for large retardation basins to contribute to public open space as per the requirements of clause 18.2 of the IDM.