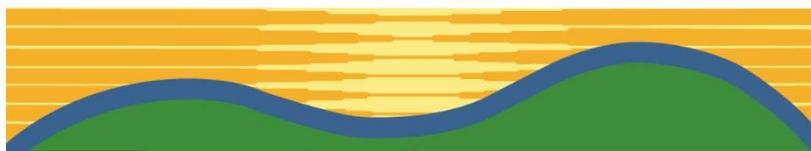


MITCHELL SHIRE COUNCIL



COMMUNITY QUESTIONS AND HEARINGS COMMITTEE

AGENDA

TUESDAY 13 MARCH 2018

7.00pm

NOTICE IS HEREBY GIVEN that **Community Questions and Hearings Committee** of the Mitchell Shire Council will be held at **Mitchell Civic Centre, 113 High St, Broadford**, on **Tuesday 13 March 2018** commencing at **7.00pm**.

**DAVID TURNBULL
CHIEF EXECUTIVE OFFICER**

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1 WELCOME AND GOVERNANCE DECLARATION

The Mayor formally opens the meeting with an acknowledgement of country and welcomes all present.

2 APOLOGIES AND LEAVE OF ABSENCE**3 DISCLOSURE OF CONFLICTS OF INTEREST**

In accordance with section 79 of the Local Government Act 1989.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

In accordance with Clause 66 of Local Law No. 4 – Meeting Procedures.

RECOMMENDATION

THAT the Minutes of the Community Questions and Hearings Committee held 12 February 2018, as circulated, be confirmed.

5 ADVOCACY AND COMMUNITY SERVICES

5.1 WALLAN TO HEATHCOTE RAIL TRAIL - FEASIBILITY STUDY AND CONSULTATIONS - HEARINGS COMMITTEE

Author: Chris Cheal - Economic Development Coordinator

File No: RE/06/008

Attachments: 1. [Submission Summary Table \(Dec 2017 to Mar 2018\)](#)[↓](#)

SUMMARY

The purpose of this report is to provide a summary of the submissions received since the Wallan to Heathcote Rail Trail (WHRT) Feasibility Study was released for community consultation purposes, following the December 2017 Ordinary Meeting of Council; which involved:

- Placing the completed Feasibility Study and Technical Reports on public exhibition via the Engaging Mitchell website.
- Making copies of the Study and Technical Reports available at Council Customer Service Points, and
- Sending notice of the completion and public exhibition of the Feasibility Study and Technical Reports via direct mail to directly affected landholders.

The completed Feasibility Study and Technical Reports have been prepared by a consultant team led by RM Consulting Group in collaboration with specialist consultants and stakeholders and reviewed by Council officers.

In summary, 11 submissions have been received. Seven (7) submissions were supportive of the trail and four (4) submissions have noted their objection to the either the rail trail in general terms or the proposed route as it interacts with their property.

RECOMMENDATION

THAT Council officers provide a report to Council in relation to the submissions received during the consultation period and present the findings of the Rail Trail Feasibility Study to Council for further consideration.

BACKGROUND

Rail trails are shared-use paths recycled from abandoned railway corridors. They are generally used for walking, cycling and in certain cases, horse riding.

The Wallan to Heathcote Rail Trail proposed to make use of the former rail line from Heathcote Junction to Heathcote where it remains available, as well as creating a new route from Wallan Station through Wallan and Hidden Valley to the former railway alignment at Bylands. Where the former rail alignment has been built out or is not available for other reasons, the rail trail would need to be routed via other routes such as creek corridors or alongside and within existing road reservations.

WALLAN TO HEATHCOTE RAIL TRAIL - FEASIBILITY STUDY AND CONSULTATIONS - HEARINGS COMMITTEE (CONT.)

The Feasibility Study and stakeholder consultation was primarily funded by Regional Development Victoria, with Mitchell Shire and the City of Greater Bendigo contributing additional amounts respectively.

The feasibility study process also involved an extensive stakeholder consultation and engagement process from 9 February 2017 to 13 April 2017, to take account of the views of the general community, key stakeholder groups, and in particular, existing and potentially directly affected landowners. This process engaged nearly 700 people through a variety of mediums including 37 direct private landowners, 34 key stakeholder group interviews, 233 listening post attendees and conversations, 303 survey responses, and 52 written submissions. Furthermore, there were over 900 downloads during the consultation period of consultation materials, maps and the summary document.

The resulting community and stakeholder feedback from this process was documented within a Community Engagement Report and summarised within a 'What We Heard' two-page pamphlet. Both documents were made publicly available.

Furthermore, the feedback received during the consultation process helped to inform the findings of the feasibility study. In particular, the knowledge of where the land for the route remains in public ownership has helped to inform the conclusions of the study with regard to which sections of the route that could be prioritised for delivery.

ISSUES AND DISCUSSION

The reasons given in the submissions received since December 2017, both in support and in opposition to the trail, reflect those that have been previously heard by the consultant team, Council officers and Councillors.

Submissions in support of the trail, cite the recreational and health benefits of rail and cycle trails, the opportunities for school children and family members to use a trail, the safety benefits of being segregated from vehicle traffic and the potential for economic and tourism benefits.

Submissions in opposition to the trail, cite the potential for disruption to privately owned properties and livelihoods, the potential for serious nuisance and safety breaches to arise following the opening of the route to public access, and the fact that property owners had previously outlaid personal time and expense to confirm or transfer ownership of the former railway corridor into their private ownership.

It is important to reiterate to the community that Council has no intent to compulsory acquire land for the trail to reassure private landowners.

CONSULTATION

Thirteen (13) written submissions have been received in relation to the Feasibility Study since December 2017.

Key comments/observations made during the consultation period include:

- Submitters have previously gone to substantial expense to purchase the disused rail land to ensure that the submitters had unrestricted access to and ownership of the entire property.
- That objecting submitters object to the trail being located through their properties.

WALLAN TO HEATHCOTE RAIL TRAIL - FEASIBILITY STUDY AND CONSULTATIONS - HEARINGS COMMITTEE (CONT.)

- Concerns that the trail would result in crime and nuisance and lead to costs to install additional security measures.
- That the trail would provide infrastructure that could enable users, including local students, children and families, to partake in healthy outdoor activities.
- That the trail would be a beneficial addition and attraction for the area and help to promote tourism and benefits for local businesses.

See the Attachment 1 - Submission summary table for further information, including a summary of the submissions received and the officer response in respect of each submission.

It is also noted that two people took the opportunity to ask questions of Council relating to the Feasibility Study at the February 2018 Community Questions and Hearings Committee.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

In terms of consideration of the submissions, there are no direct financial, resource or asset management implications.

POLICY AND LEGISLATIVE IMPLICATIONS

Preparation of the Feasibility Study is consistent with the Mitchell Shire Council Plan 2017-2021; the Mitchell Shire Council Economic Development Strategy 2016-2021 and the Mitchell Shire Council Health and Wellbeing Strategy 2016-2021. The identified route is also consistent with the opportunities identified for shared path (pedestrian and cycle) routes and networks in the adopted Kilmore Structure Plan (2016) and the adopted Wallan Structure Plan (2015).

The Feasibility Study has been prepared in accordance with the community engagement principles outlined within the Mitchell Shire Community Engagement Framework.

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

The development of the WHRT would result in overall positive social and environmental benefits. The WHRT would be expected to particularly result in beneficial tourism and local economic benefits, as well as health and socialisation benefits for users and local residents.

The detailed design of the rail trail route and any associated infrastructure (such as benches, toilets, car parking, and any required fences to neighbouring properties, etc.) will be undertaken in full consultation with any directly affected stakeholders, including land owners, to ensure that any potential economic or social impacts are avoided and minimised wherever possible.

CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

WALLAN TO HEATHCOTE RAIL TRAIL - FEASIBILITY STUDY AND CONSULTATIONS - HEARINGS COMMITTEE (CONT.)

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

The outcome of the Wallan to Heathcote Rail Trail Feasibility Study indicates that the proposed trail is feasible from a technical perspective and is a unique strategic opportunity for the Shire.

The Wallan to Heathcote Rail Trail Feasibility Study process has involved extensive public and stakeholder engagement and this has been reflected and documented within the final reports that have been produced. The Community Questions and Hearings Committee process continues the process of community and stakeholder engagement.

It is important to note that the Feasibility Study has identified both broad community support for and strong objection to the rail trail. In particular, objection has been strongest among landowners in relation to the route of the trail and access to private land. Mitchell Shire Council has no intention to compulsorily acquire private land.

The comments received have been noted and responded to where required. The Feasibility Study will be considered by Council at the March 2018 Ordinary Meeting of Council.

WALLAN TO HEATHCOTE RAIL TRAIL - FEASIBILITY STUDY AND CONSULTATIONS - HEARINGS COMMITTEE (CONT.)

MITCHELL SHIRE COUNCIL

Community Questions and Hearings Committee Meeting Attachment

ADVOCACY AND COMMUNITY SERVICES

13 MARCH 2018

5.1

WALLAN TO HEATHCOTE RAIL TRAIL - FEASIBILITY STUDY AND CONSULTATIONS - HEARINGS COMMITTEE

Attachment No: 1

**Submission Summary Table (Dec 2017 to Mar
2018)**

WALLAN TO HEATHCOTE RAIL TRAIL – FEASIBILITY STUDY AND CONSULTATIONS

ATTACHMENT: SUBMISSIONS RECEIVED – DEC 2017 to MAR 2018

No:	Submitter details	Submission Summary	Officer Response
1	<p>530 Arkells Lane, Bylands</p> <p>Directly affected land owner</p>	<p>Objection</p> <p>The submitter has previously spent substantial money on legal fees and surveyor costs to purchase the disused railway land from the rail authority. The disused land was purchased to ensure that the submitters had unrestricted access and continuous ownership through the entire property. This land purchase has enabled the submitter to consolidate farming operations and avoid extra maintenance costs and safety issues. The submitter objects to the proposed Wallan to Heathcote Rail Trail being located through their property.</p>	<p>The proposed Wallan to Heathcote Rail Trail is currently in the very early stages of planning. While the feasibility study found that the rail trail is feasible from a technical perspective, it also acknowledges that there is significant landholder concern and in some cases opposition to the rail trail traversing private land.</p> <p>The feasibility study has identified sections of the route for short term further investigation and action. These locations are shown within Figure 2 of the Council Report and are generally described as:</p> <ul style="list-style-type: none"> • Heathcote to Tooborac • Kings Lane to Tooborac • McMasters Road to High Camp • Tootle Street to Bylands Station • Wallan-Wandong-Bylands Arkells Lane <p>Gaining access to the above five sections of the trail is considered more likely. However for further work to commence additional funding needs to be obtained.</p> <p>Currently there is no suggestion that Council will seek to apply the Public Acquisition Overlay on any of the proposed rail trail. The specific mechanism for securing the land required for the rail trail will vary depending on specific land owner circumstances and</p>

			needs, and will be the subject of further investigation and landholder consultation.
2	1040 Northern Highway, Bylands Directly affected land owner	<p>Objection</p> <p>The proposed Wallan to Heathcote Rail Trail dissects the submitter's property. The submitter is concerned that the proposed trail would result in high crime rates by bringing strangers, drug abusers, thieves and paedophiles to the area.</p> <p>The submitter is concerned that they will need to install and pay for additional security measures on their property and would no longer be able to allow children to play without direct supervision.</p> <p>The submitter is also concerned that users of the rail trail will leave rubbish behind that cannot be digested by livestock therefore adding to environmental pollution. The submitter is also concerned that there will be conflict between livestock (e.g. provoking a bull or impacting on a nursing mother and calf), quadbikes, tractors and cyclists.</p>	<p>While the feasibility study found that the rail trail is feasible from a technical perspective, it also acknowledges that there is significant landholder concern and in some cases opposition to the rail trail traversing private land.</p> <p>The proposed rail trail needs to undergo further planning and design work, before access to the land can be determined and construction can commence.</p> <p>The majority of concerns raised by the submitter relate to operational matters that can be further discussed and problem solved if the proposed rail trail receives further funding for the next stage of planning and design. Community consultation will be a key component of the rail trail planning and development process.</p>
3	510 Arkells Lane, Bylands Directly affected land owner	<p>Objection</p> <p>Land owner objects to the proposed Wallan to Heathcote Rail Trail and does not consent to any access to the property or acquisition of the property for the rail trail.</p>	Refer to officer response for submission 1.

4	Wandong Primary School	<p>Support</p> <p>The Wandong Primary School Principal supports any process that seeks to provide a Wallan to Heathcote Rail Trail. The submission states that happy and healthy families are vitally important. A Wallan to Heathcote Rail Trail would help families to be active in the outdoors while spending time together.</p> <p>The submission also states that the Wandong Primary School would love to utilise a Wallan to Heathcote rail trail as part of their intensive bike education program for grade five and six students. A highlight of this program is the students riding their bikes to Wallan and back, a rail trail would significantly add to this program and experience.</p>	Submission noted.
5	Regional bike rider	<p>Support</p> <p>Submitter supports the development of any new rail trails. Submitter lives on an existing rail trail at Eurobin (Bright to Wangaratta Rail Trail), the riders are great at keeping the trail clean and submitter has received no trouble from any riders. The trail is well used and is an attraction to the area.</p>	Submission noted.
6	<p>470 Arkells Lane, Bylands</p> <p>Directly affected land owner</p>	<p>Objection</p> <p>Land owner objects to the proposed Wallan to Heathcote Rail Trail and does not consent to any access to the property or property acquisition for the rail trail.</p>	Refer to officer response for submission 1.

7	Common Ground Yellow Box Road, Seymour	<p>Support</p> <p>Submitter supports the proposed Wallan to Heathcote Rail Trail. As a regular user of the Great Vic Trail the submitter highly recommends the development of more rail trails.</p>	Submission noted.
8	12 Melrose Drive, Kilmore	<p>Support</p> <p>Submitter supports the proposed Wallan to Heathcote Rail Trail, particularly through Kilmore, for the following reasons:</p> <ul style="list-style-type: none"> ▪ <i>There is community involvement in its development,</i> ▪ <i>Cycling is a healthy activity accessible to all groups including wheelchair bound people,</i> ▪ <i>It is practical use of the original rail trail where minimal preparation of the track and ongoing maintenance is needed.</i> ▪ <i>It will be another asset to Mitchell Shire, in conjunction with Kilmore Creek Heritage Art Walk.</i> ▪ <i>The cycle track will be another positive aspect of life and activity in Kilmore in which residents should be grateful and active participants.</i> 	Submission noted.
9	Regional bike rider	<p>Support</p> <p>Submitter supports the development of further cycle trails through out Victoria. Submitter has previously cycled between Melbourne to Wandong and Wandong to Heathcote, however given the poor infrastructure they have not returned to this route for cycle trips. If the Wallan to Heathcote Rail Trail was built, the</p>	Submission noted.

		submitter would definitely use the trail to visit Heathcote.	
10	Regional bike rider	<p>Support</p> <p>Submitter supports the Wallan to Heathcote Rail Trail and requests that Mitchell Shire Council seek/contribute to funding its construction. If the rail trail was built it would promote tourism and support healthy lifestyles with less emphasis on road transport.</p>	Submission noted.
11	46 St Andrews Close, Wallan	<p>Support</p> <p>Submitter has been following the progress of the feasibility study and is keen to see the project come to fruition.</p> <p>The project offers many benefits to local businesses and the general health of all Victorians. Importantly the proposed trail will provide the “missing link” between Melbourne and Heathcote. When built the trail would provide a continuous path all the way to central Victoria.</p>	Submission noted.
12	Puckapunyal Primary School	<p>Support</p> <p>The Puckapunyal Primary School Principal supports any process that seeks to provide a Wallan to Heathcote Rail Trail. The submission states that the school promotes healthy and active lifestyles and that their bike-riding program is one aspect of that.</p> <p>The submission also states that the Puckapunyal Primary School has held an annual multi-day bike ride and camping event for three decades and have utilised the Great Victorian Rail Trail between Tallarook and</p>	Submission noted.

		Mansfield since it's opening for this event. They state that the construction of the rail trail would be supported by and utilised by the school every second year for their annual bike ride event.	
13	Friends of the Bendigo to Kilmore Rail Trail (FBKRT) member and WHRT Feasibility Study Steering Committee member	<p>Support</p> <p>The submitter notes that there has been some opposition to the proposed rail trail and sets out responses to the issues that have been raised.</p> <p>In summary, the submitter notes that:</p> <ul style="list-style-type: none"> • Rail trails have been shown to be beneficial to small towns and can help some small businesses to remain open by bringing in additional customers • Thefts have not increased anywhere and actually the reverse has occurred • Property values have been shown to increase following the building of a rail trail • Fire risk has not increased following the construction of rail trails elsewhere in Australia. • Other problems such as dogs harassing farm animals and littering have not been significant issues elsewhere in Australia • The submitter is not aware of any bio-security problems arising as a result of rail trails operating elsewhere in Australia • By working with management authorities, landholders along the trail can end up with improved facilities • Federal and State Governments, as well as organisations such as the Transport Accident 	Submission noted.

		<p>Commission, are investing significant funding in rail trails.</p> <ul style="list-style-type: none">• The proposed WHRT will make Mitchell Shire a hub for cycle tourism, provide a large capital expenditure project in rural areas and provide a much needed recreational facility for residents of the Shire’s townships. <p>The submitter concludes by asking Mitchell Shire Council to adopt the Feasibility Study and commence planning for the design and to secure funding.</p>	
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6 DEVELOPMENT AND INFRASTRUCTURE

6.1 PLANNING PERMIT APPLICATION PLP175/17 FOR 3-LOT SUBDIVISION AT 245 O'SHEAS ROAD, KILMORE EAST

Author: Holly Sawyer - Statutory Planning Officer

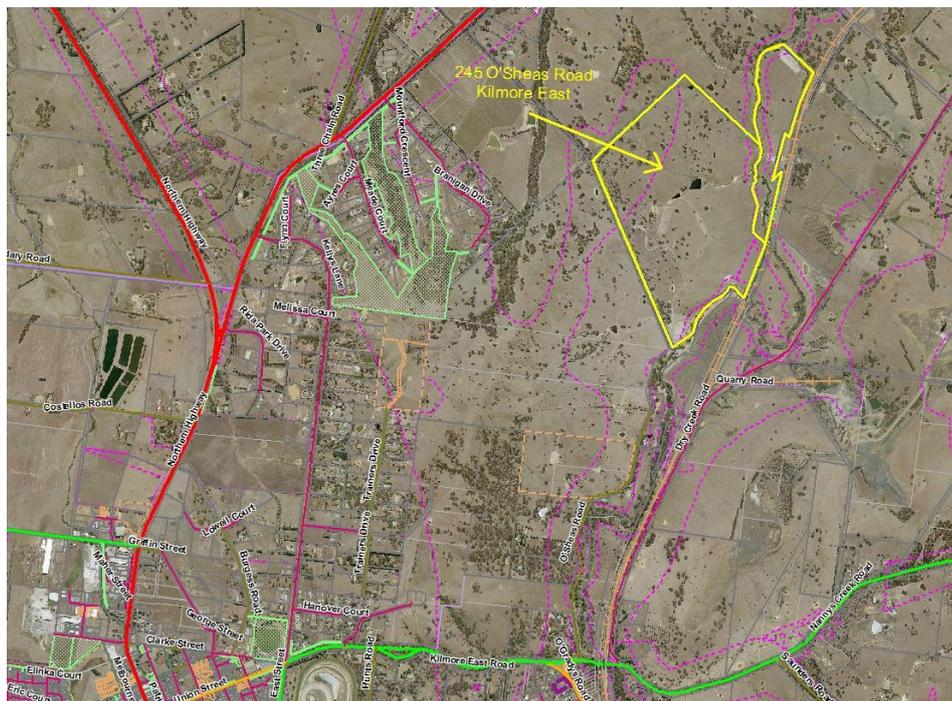
File No: PLP175/17

Attachments: 1. *PLP175/17 245 O'Sheas Road, Kilmore East - proposed plan of subdivision* [↓](#)

Property No.:	108240
Title Details:	Lot 2 on Plan of Subdivision 614145A Volume 11046 Folio 101
Applicant:	Eric Salter Pty Ltd
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay Environmental Significant Overlay – Schedule 3
Objections Received:	Nine objections received
Cultural Heritage Management Plan Required:	A CHMP is not required for the proposed three-lot subdivision, although a CHMP may be required for the construction of a road
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

PLANNING PERMIT APPLICATION PLP175/17 FOR 3-LOT SUBDIVISION AT 245 O'SHEAS ROAD KILMORE EAST (CONT.)

SITE MAP



SUMMARY

The application seeks approval for the subdivision of the land to create three lots, each in excess of 40 hectares in area. The land is affected by the Farming Zone, Erosion Management Overlay and Environmental Significance Overlay – Schedule 3.

The application was advertised to the adjoining landowners and a total of 9 objections were received. These objections consist of a petition with 8 individual objectors, with the ninth objection containing one signature.

SITE AND SURROUNDS

Subject Site Description

The subject site is a 129.4 hectare property located at 245 O'Sheas Road, Kilmore East (legally described as Lot 2 on Plan of Subdivision 614145A Volume 11046 Folio 101).

The irregularly shaped lot is divided by 'Dry Creek', with a number of drainage lines located through the site in relation to the four dams located on the property. The creek traverses the subject site from the north to the southwest, crossing the rail line to the east of the site before curving back to form the southern boundary of the land. The portion of the site to the west of Dry Creek has an area of 108.5 hectares, with the eastern portion containing a land area of 21.35 hectares.

Vegetation within the subject site consists of scattered trees (River Red Gum and Grey Box) throughout the north-western portion of the site, with vegetation also located along Dry Creek. The majority of the site is clear of vegetation, which is consistent with grazing properties within the area. The topography of the site is heavily undulating, with a fall from the west to the east (towards Dry Creek).

PLANNING PERMIT APPLICATION PLP175/17 FOR 3-LOT SUBDIVISION AT 245 O'SHEAS ROAD KILMORE EAST (CONT.)

The site is bound by unmade Government Roads to the northwest and southwest, with the southern Government Road becoming O'Sheas Road to the west (which is of gravel construction). Access to the property is provided via an informal track, which extends from the termination of O'Sheas Road.

Surrounding Area

Land surrounding the subject site is within the Farming Zone, with the exception of land immediately east of the site which is zoned Public Use Zone 4 (Transport) and contains the Melbourne-Sydney railway line.

Properties surrounding the subject site are largely comprised of rural properties that are predominately used for grazing purposes. Some dwellings exist on these rural properties with a number also being vacant. Land to the east of the rail line contains a currently operating quarry.

The township of Kilmore East is located approximately 2.5km to the south of the subject site, and contains some residential development and the train station that services the main township of Kilmore. Kilmore is located approximately 5km to the south-west, and contains commercial and community facilities as well as residential housing.

Access to the site consists of unmade road reserves, with the maintained portion of O'Sheas Road being located approximately 400 metres to the south of the southern-most corner of the subject site. This road reserve contains an existing informal track, with a 20-metre wide portion set aside for access from the crown lease on the remainder of the reserve (attachment 3). The crown lease covers most of the reserve, with the track found on the western side of Dry Creek which is also found within this reserve. A large amount of remnant native vegetation is located within the reserve, with the track winding through the trees. There is also an unmade government road found adjacent to the western boundary of the subject site.

PROPOSAL

The application seeks approval for the subdivision of the land into three lots (see Attachment 1). The details of the proposal are as follows:

- Lot 1 will be located in the western portion of the site and will have a total land area of 44.48 hectares;
- Lot 2 will be located central to the site, with a total land area of 41 hectares;
- Lot 3 will be located in the eastern portion of the site and will contain two parts (separated by Dry Creek) with a total land area of 42.48 hectares (the section to the west of the creek covers an area of 21.13 hectares and the part to the east of the creek contains a land area of 21.35 hectares);
- Access to the properties will be provided via the Government Road to the south and west of the site, however no details regarding upgrading this road have been provided;
- A common property access has been proposed to provide internal access to the three lots, with the crossover to the Government Road to be located at the south-western corner of the subject site and the three located utilizing a court bowl at the end of the accessway. This accessway will contain a land area of 1.444 hectares;

PLANNING PERMIT APPLICATION PLP175/17 FOR 3-LOT SUBDIVISION AT 245 O'SHEAS ROAD KILMORE EAST (CONT.)

- No building or effluent envelopes have been shown on the plan; and
- No vegetation has been proposed to be removed as part of the subdivision.

HEARING AND CONSIDERATION OF SUBMISSIONS

Council has established the Community Questions and Hearings Committee to hear and report to Council on submissions received by Council under section 223 of the *Local Government Act 1989* and on objections and submissions received in relation to planning permit applications under the *Planning and Environment Act 1987*.

The applicant and any relevant submitters to the application have been invited to attend this meeting of the Community Questions and Hearings Committee to make a brief presentation in support of their application and submission.

RECOMMENDATION

THAT Council officers provide a report to Council in relation to Planning Application PLP175/17 for a 3-lot subdivision at 245 O'Sheas Road, Kilmore East.

PLANNING PERMIT APPLICATION PLP175/17 FOR 3-LOT SUBDIVISION AT 245 O'SHEAS ROAD KILMORE EAST (CONT.)

MITCHELL SHIRE COUNCIL

Community Questions and Hearings Committee Meeting Attachment

DEVELOPMENT AND INFRASTRUCTURE

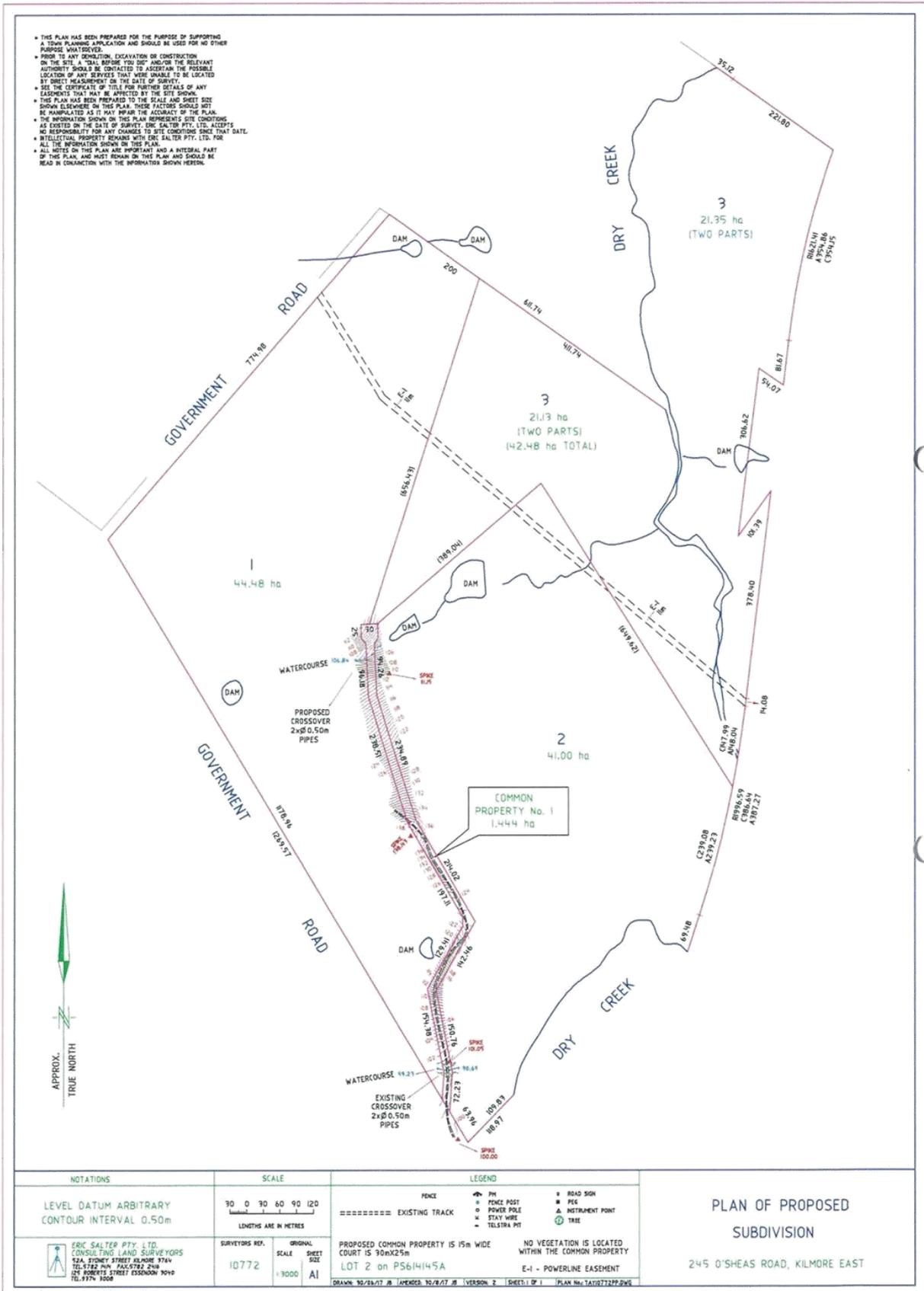
13 MARCH 2018

6.1

**PLANNING PERMIT APPLICATION PLP175/17
FOR 3-LOT SUBDIVISION AT 245 O'SHEAS
ROAD KILMORE EAST**

Attachment No: 1

**PLP175/17 245 O'Sheas Road, Kilmore East -
proposed plan of subdivision**



NOTATIONS	SCALE	LEGEND	<p>PLAN OF PROPOSED SUBDIVISION</p> <p>245 O'SHEAS ROAD, KILMORE EAST</p>
<p>LEVEL DATUM ARBITRARY</p> <p>CONTOUR INTERVAL 0.50m</p>	<p>30 0 30 60 90 120</p> <p>LENGTHS ARE IN METRES</p>	<p>FENCE</p> <p>===== EXISTING TRACK</p> <p>PI FENCE POST</p> <p>POWER POLE</p> <p>STAY WIRE</p> <p>TELSTRA PIT</p> <p>ROAD SIGN</p> <p>PEK</p> <p>INSTRUMENT POINT</p> <p>TREE</p>	
<p>ERIC SALTER PTY. LTD.</p> <p>CONSULTING LAND SURVEYORS</p> <p>12A BROWN STREET KILMORE VIC 3714</p> <p>TEL: 5782 7414 FAX: 5782 2518</p> <p>471 ROBERTS STREET ESSINGTON VIC 3090</p> <p>TEL: 9374 3008</p>	<p>SURVEYORS REF.</p> <p>10772</p> <p>ORIGINAL SCALE</p> <p>1:3000</p> <p>SHEET SIZE</p> <p>A1</p>	<p>PROPOSED COMMON PROPERTY IS 15m WIDE</p> <p>COURT IS 30mX25m</p> <p>LOT 2 on PS614145A</p> <p>NO VEGETATION IS LOCATED WITHIN THE COMMON PROPERTY</p> <p>E-1 - POWERLINE EASEMENT</p>	
<p>DRAWN: 10/23/07 JB LAYERS: 10/28/07 JB VERSION: 2 SHEET: 1 OF 1 PLAN NO.: T41027229.DWG</p>			

6.2 DEVELOPMENT PLAN - 71 AND 81 DARRAWEIT ROAD AND 15 ROWES LANE, WALLAN

Author: *Simon Williams - Senior Strategic Planner*

File No: *PL/03/050*

Attachments: *Nil*

SUMMARY

In accordance with Clause 43.04 (Development Plan Overlay) of the *Mitchell Planning Scheme*, an application for Development Plan approval has been received from Bosco Johnson on behalf of Kingsman Project Directors Pty Ltd.

The Development Plan Overlay requires the approval of a Development Plan prior to the issue of any planning permits for the subdivision and development of land at 71 and 81 Darraweit Road and 15 Rowes Lane, Wallan.

The proposed Development Plan proposes a variety of lot sizes ranging from under 300sqm up to 1,000sqm, including two superlots that can facilitate future medium density housing and townhouse products. It is envisaged that approximately 157 lots will be delivered on the subject site.

Whilst no statutory public exhibition of the Development Plan is required, notification was provided to relevant State Agencies, Utility Agencies and surrounding land owners. In response to this notification, a total of 36 submissions were received.

BACKGROUND

The land affected by the Development Plan consists of three separate parcels,

- 71 Darraweit Road
- 81 Darraweit Road
- 15 Rowes Lane

The site has a combined total area of approximately 9.14ha, and is located to the north-west of Wallan Town Centre.

The Wallan Structure Plan was adopted by Council in December 2015. The Wallan Structure Plan identified the subject site as a key residential infill development for Wallan. To ensure the coordinated development of this site, a Development Plan Overlay was applied to the site.

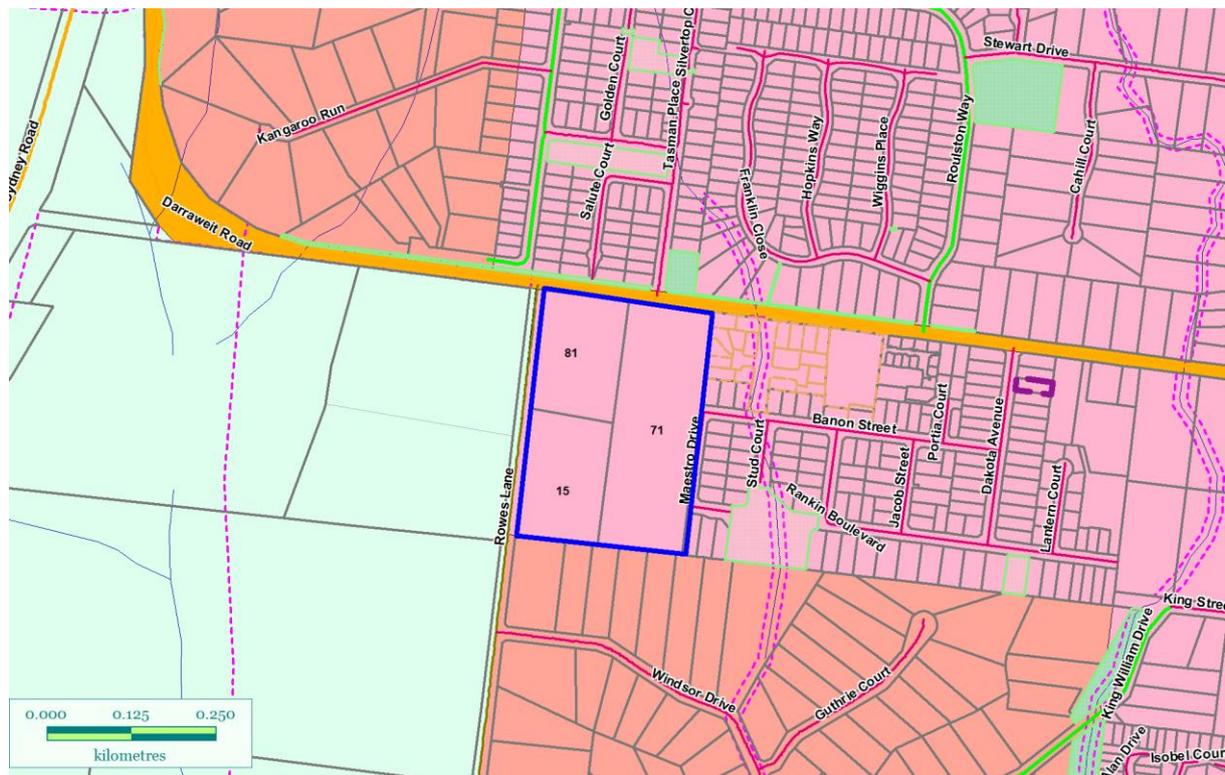
Land Ownership

The Development Plan has been prepared and submitted by Bosco Johnson on behalf of the landowner of 81 Darraweit Road (Kingsman Project Directors Pty Ltd). Kingsman Project Directors Pty Ltd have also recently purchased 15 Rowes Lane.

The applicant does not own the remaining parcel associated with the Development Plan Overlay (71 Darraweit Road). The landowner of 71 Darraweit Road is aware of the proposed Development Plan but has not made a formal submission to Council.

DEVELOPMENT PLAN - 71 AND 81 DARRAWEIT ROAD AND 15 ROWES LANE, WALLAN (CONT.)

Figure 1: Location Plan



PROPOSAL

The Development Plan proposes:

- Ten Development Parcels made up of;
 - Eight parcels which will consist of conventional residential lots that would range in size between 300sqm – 1,000sqm
 - Two Superlots which will consist of medium density lots that can facilitate future townhouse/medium density developments.
- Approximately 157 conventional residential lots are likely to be developed (exact figure to be determined at the subdivision stage)
- An internal road network connecting with Banon Street and Rows Lane.
- Construction of a new vehicle access point from Rows Lane.
- 0.30ha of Open Space provision
- Pedestrian footpaths along all internal roads connecting to existing paths and future links identified within the Wallan Structure Plan.
- Upgrade of Rows Lane from Banon Street to Darraweit Road
- Landscape strip in the north-west corner of the development to accommodate retention of some trees and to improve built form adjacent to the intersection of Darraweit Road and Rows Lane.

DEVELOPMENT PLAN - 71 AND 81 DARRAWEIT ROAD AND 15 ROWES LANE, WALLAN (CONT.)

Figure 2: Development Plan



Based on the above draft plan, the table below highlights the likely range of lot sizes that could be achieved in each area:

Figure 3: Proposed Lot Sizes

Development Parcel	Range of Lot Sizes (sqm)
A (Superlot)	<300 sqm per lot
B (Superlot)	<300 sqm per lot
1	304 - 380
2	315 - 400
3	392 - 502
4	336 - 460
5	336 - 444
6	315 - 560
7	336 - 753
8	536 - 1005

CONSULTATION

In accordance with the *Planning and Environment Act 1987* and *Mitchell Planning Scheme*, there was no requirement to formally exhibit the Development Plan documentation and to consider submissions.

DEVELOPMENT PLAN - 71 AND 81 DARRAWEIT ROAD AND 15 ROWES LANE, WALLAN (CONT.)

However, it was determined by officers to notify surrounding landowners of the proposed Development Plan, along with the relevant agencies and departments. A process of non-statutory public notice of the proposed Development Plan was undertaken by sending notices to the surrounding landowners.

A total of 36 submissions have been received. A number of the submissions received were from nearby residents with common themes relating to the following matters:

- The lot sizes proposed in the Development Plan are too small.
- Access to Rowes Lane should also be provided.

Planning officers have also held a meeting with the landowner of 71 Rowes Lane to discuss the Development Plan. No formal submission has been received from the landowner of 71 Rowes Lane.

HEARING AND CONSIDERATION OF SUBMISSIONS

Council has established the Community Questions and Hearings Committee to hear and report to Council on submissions received by Council under section 223 of the *Local Government Act 1989* and on objections and submissions received in relation to planning permit applications under the *Planning and Environment Act 1987*.

The applicant and any relevant submitters to the application have been invited to attend this meeting of the Community Questions and Hearings Committee to make a brief presentation in support of their application and submission.

RECOMMENDATION

THAT Council officers provide a report to Council in relation to a Development Plan Application for 71 and 81 Darraweit Road and 15 Rowes Lane, Wallan.

6.3 PLANNING PERMIT APPLICATION PLP244/17 FOR USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AT FOREMAN STREET, BEVERIDGE

Author: James McNulty - Acting Manager Development Approvals

File No: PLP244/17

Attachments: Nil

Property No.:	119480
Title Details:	Crown Allotment 19 Section 8 Township of Beveridge Parish of Merriang Volume 11303 Folio 202
Applicant:	William Zhuang
Zoning:	Farming Zone
Overlays:	None apply to the site
Objections Received:	Five objections were received
Cultural Heritage Management Plan Required:	No – the site is not located in an area of cultural sensitivity
Officer Declaration of Conflict of Interest	No officers involved in the preparation of this report have any direct or indirect interest in this matter

PLANNING PERMIT APPLICATION PLP244/17 FOR USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AT FOREMAN STREET, BEVERIDGE (CONT.)

SITE MAP



SUMMARY

The subject planning permit application is seeking approval for use and development of the land for a dwelling at the rear of 50 Minton Street, Beveridge.

The application was publicly advertised by way of posting notices to land owners and occupiers in proximity to the subject site and to VicRoads.

Following the notification period, a total of five objections were received from surrounding landowners with VicRoads providing conditional approval.

The objections to the proposal consisted of amenity, environmental, access, service and other general concerns relating to the use and development of a dwelling on the subject site.

PLANNING PERMIT APPLICATION PLP244/17 FOR USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AT FOREMAN STREET, BEVERIDGE (CONT.)

SITE AND SURROUNDS

Subject Site Description

The subject site is located at the rear of 50 Minton Street, Beveridge and legally described as Crown Allotment 18, Section 8, Township of Beveridge, Parish of Merriang (as shown on TP88006Q). The site is rectangular in shape with a northern frontage of 40.23m to Minton Street, a western boundary of 50.29m to Foreman Street and a total site area of 2023sqm. The site is listed in Council's database as Foreman Street.

Minton Street is currently unformed however contains an informal access track which provides access to properties to the west of the site and Foreman Street contains no formed road. Access to the site is currently informally taken from Minton Street, however there is no established accessway on the property.

The subject land falls approximately 3m from the north eastern to the south-western property boundaries however is relatively flat in topography. The site does not contain any buildings or structures and does not contain any vegetation other than pasture grass and some non-native shrubs located along the south-western boundary of the land.

Surrounding Area

The site is located within the established residential neighbourhood of Beveridge. Lots in the area can be characterised as low density residential in nature, with lots surrounding the site typically around 2000sqm in area.

The subject land is located in a pocket of lots between the Hume Freeway to the west and the Old Hume Highway to the east which are within the Farming Zone, however land to the east and south is located within the Township Zone. The majority of lots surrounding the site (both to the east and west of the Old Hume Highway) contain a single dwelling with associated outbuildings, however a number of lots also remain vacant.

The Hume Freeway is located 100-150m to the west of the site, and Mount Fraser is located to the north east of the site. Mount Fraser rises sharply from the northern side of Minton Street and provides a dominant feature in the area, with a scoria quarry located on Mount Fraser within approximately 500m of the subject site.

Whilst Beveridge contains an established urban area containing residential development within the Township Zone to the east and south of the site, land further to the east and west of the site is zoned Urban Growth Zone and will be subject to future development in accordance with Precinct Structure Plans for the area that have been or will be implemented (including the Lockerbie North Precinct Structure Plan and the future Beveridge Central Precinct Structure Plan).

The township will be developed with conventional and medium density residential development as well as community facilities, schools and recreational facilities when the Precinct Structure Plans for the area are implemented in the future, and the Lockerbie North Precinct Structure Plan also provides for the development of a future town centre to the east of the site with a train station and retail floor space.

PLANNING PERMIT APPLICATION PLP244/17 FOR USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AT FOREMAN STREET, BEVERIDGE (CONT.)

PROPOSAL

This application proposes the use and development of the subject site for the purpose of a dwelling and carport.

The plans submitted with the application indicates that a dwelling envelope of 20.0m by 8.1m will be located 3.5m from the northern title boundary (Minton Street) and 3.2m from the western title boundary (Foreman Street) with access to be provided via an accessway to Foreman Street.

The proposed dwelling will include three bedrooms, semi open living/kitchen/meals areas, office room, family room, laundry room, amenities areas and a detached single carport. The dwelling will be of acrylic render colour and colorbond monument standing seam cladding, however a colour schedule for the dwelling has not been provided. Given that the land relative fall, the dwelling is to be built on stumps and as such only minor earthworks will be required to facilitate the construction of the proposed dwelling and accessway on the land. The dwelling and carport is single storey in nature. No vegetation is required to be removed.

A Land Capability Assessment has been provided with the application and indicates that waste water associated with the dwelling will be treated using an on-site effluent disposal system with a treatment area of 393sm (which will be located to the south of the dwelling site).

Water supply to the dwelling will be provided by the installation of rainwater tanks on the land (these tanks have not been shown on the plans), and electricity is available to the dwelling through an extension to an existing powerline located in Minton Street.

HEARING AND CONSIDERATION OF SUBMISSIONS

Council has established the Community Questions and Hearings Committee to hear and report to Council on submissions received by Council under section 223 of the *Local Government Act 1989* and on objections and submissions received in relation to planning permit applications under the *Planning and Environment Act 1987*.

The applicant and any relevant submitters to the application have been invited to attend this meeting of the Community Questions and Hearings Committee to make a brief presentation in support of their application and submission.

RECOMMENDATION

THAT Council Officers provide a report to Council in relation to Planning Application PLP244/17 for the use and development of the land for a dwelling at Foreman Street, Beveridge.

6.4 PLANNING PERMIT APPLICATION PLP073/17 FOR USE AND DEVELOPMENT OF THE LAND FOR A MOTEL, FUNCTION ROOM, CARE TAKERS RESIDENCE AND BUSINESS SIGNAGE AT 7 OLD HUME HIGHWAY, BEVERIDGE

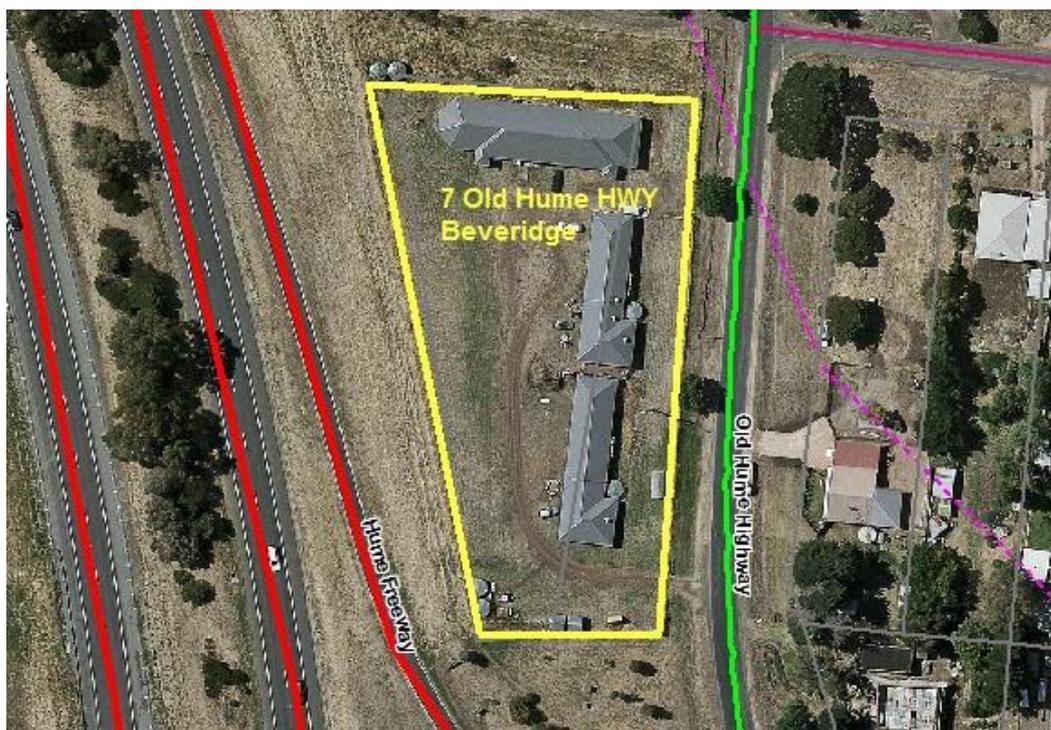
Author: Mathew Mertuszka - Principal Planner

File No: PLP073/17

Attachments: Nil

Property No.:	110043
Title Details:	Land in Plan of Consolidation 355064F
Applicant:	Stephen Oxley & Company
Zoning:	Township Zone
Overlays:	Vegetation Protection Overlay – Schedule 2
Objections Received:	Not advertised as it is considered that the proposal would not result in material detriment to any person
Cultural Heritage Management Plan Required:	No, the subject site is not within an area of Aboriginal Cultural Heritage Significance
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



PLANNING PERMIT APPLICATION PLP073/17 FOR USE AND DEVELOPMENT OF THE LAND FOR A MOTEL, FUNCTION ROOM, CARE TAKERS RESIDENCE AND BUSINESS SIGNAGE AT 7 OLD HUME HIGHWAY, BEVERIDGE (CONT.)

SUMMARY

The subject planning permit application is seeking approval for the use and development of the land for a motel, function room, caretaker's residence and business identification signage at 7 Old Hume Highway, Beveridge.

The application was not advertised as the proposed works are largely completed under a previous planning permit. This permit has since expired as the works were not completed within the required timeframe and no extensions of time were sought. Therefore, further permission is required to complete and formalise the works.

The application was referred to VicRoads owing to the future application of the Public Acquisition Overlay in the area to facilitate the construction of the Camerons Lane interchange.

SITE AND SURROUNDS

Subject Site Description

The subject site is located at 7 Old Hume Highway, Beveridge and is legally described as Land in Plan of Consolidation 355064F. The land has an area of approximately 4821 square meters and is irregular in shape. The site is immediately adjacent to the Hume Freeway and is to the west of the old Hume HWY.

The land is currently developed with the partially completed motel consisting of three buildings as well as several water tanks. The site is not serviced by reticulated sewerage or town water but has access to electricity. The land has a fall towards to the west and is cleared of all vegetation. All internal accessways are unsealed and crossovers are informal.

Surrounding Area

The subject land is within an area close to the centre of the existing Beveridge township. Land is mostly within the Township Zone and developed with predominantly detached residential uses, all on large parcels of land. The semi-rural character of the town is dictated by the lack of services in the area. Topography is undulating and consists of mostly planted vegetation.

PROPOSAL

The proposal is seeking to use and develop the land for a motel, function room, caretakers residence and associated signage. All buildings proposed are single storey and clad in a bluestone look with a gable roof finished in Colorbond. A summary of the proposal includes:

Motel

- The motel component of the development consists of 14 units built over two separate buildings.
- The units will be designed to face to the west with access from a proposed sealed internal driveway with parallel parking servicing each unit.
- The two buildings will be setback approximately 2m from the Old Hume Highway frontage

PLANNING PERMIT APPLICATION PLP073/17 FOR USE AND DEVELOPMENT OF THE LAND FOR A MOTEL, FUNCTION ROOM, CARE TAKERS RESIDENCE AND BUSINESS SIGNAGE AT 7 OLD HUME HIGHWAY, BEVERIDGE (CONT.)

- Landscaping is proposed for the entire site.

Caretakers residence

- The caretaker's residence forms part of the same building containing the function centre.
- This building will be setback approximately 5m from the street frontage of Old Hume Highway and maintain a 3.6m setback to the unmade road reserve of Arrowsmith Street.
- The caretaker's residence contains two bedrooms, storeroom, kitchen for exclusive use for the dwelling component, laundry, enclosed garage, meals/family room and living room. This section of the development also incorporates the officer and reception section of the motel.
- The building contains a porch and reception area with an associated garage, two bedrooms, kitchen and living area and a store room.

Function centre/breakfast room

- The main building containing the caretaker's residence will include an area for guests of the hotel for functions and food consumption. This section of the building has a separate entrance for guests but includes an internal door to the living quarters used by the caretaker. The use of the function centre will be ancillary to the use of the motel.

Signage

- Details of the signage are yet to be finalised and would be a requirement of a condition on the permit should one be issued.

Other matters

A total of 18 car parking spaces are shown on the plans plus a single internal garage for the caretaker's residence. The development requires two crossovers with one way in and way out and all internal accessways are to be sealed.

An irrigation area has been set aside towards the open grassed area of the site, downslope to the west of the proposed buildings. Several water tanks have been installed to capture rain water from the roofs of buildings.

Earthworks are required to level the site given the slope of the land, resulting in split floor levels of the buildings.

At this stage of the development, all buildings have been constructed with the following items not yet completed:

- Landscaping
- Internal lighting
- Signage
- Garbage storage area
- Sealed carpark and crossovers

PLANNING PERMIT APPLICATION PLP073/17 FOR USE AND DEVELOPMENT OF THE LAND FOR A MOTEL, FUNCTION ROOM, CARE TAKERS RESIDENCE AND BUSINESS SIGNAGE AT 7 OLD HUME HIGHWAY, BEVERIDGE (CONT.)

APPLICATION HISTORY

Planning permit PLA304116/05 was issued for the use and development of a motel, removal of vegetation and erection of internally illuminated signage on the land on 26 July 2006. The development commenced and was never completed, resulting in the permit lapsing on 26 July 2010. Consequently, the development is unable to obtain a certificate of occupancy until a valid planning permit is granted.

This application is seeking to reinstate the planning permit issued for the development in order to finalise the works and reach compliance with building regulations.

HEARING AND CONSIDERATION OF SUBMISSIONS

Council has established the Community Questions and Hearings Committee to hear and report to Council on submissions received by Council under section 223 of the *Local Government Act 1989* and on objections and submissions received in relation to planning permit applications under the *Planning and Environment Act 1987*.

The applicant and any relevant submitters to the application have been invited to attend this meeting of the Community Questions and Hearings Committee to make a brief presentation in support of their application and submission.

RECOMMENDATION

THAT Council Officers provide a report to Council in relation to Planning Application PLP073/17 for the use and development of the land for the use and development of the land for a motel, function room, care takers residence and business identification signage at 7 Old Hume Highway, Beveridge.

6.5 PLANNING PERMIT APPLICATION PLP084/17 FOR A 2 LOT SUBDIVISION AT 285 GEHREYS LANE, FORBES

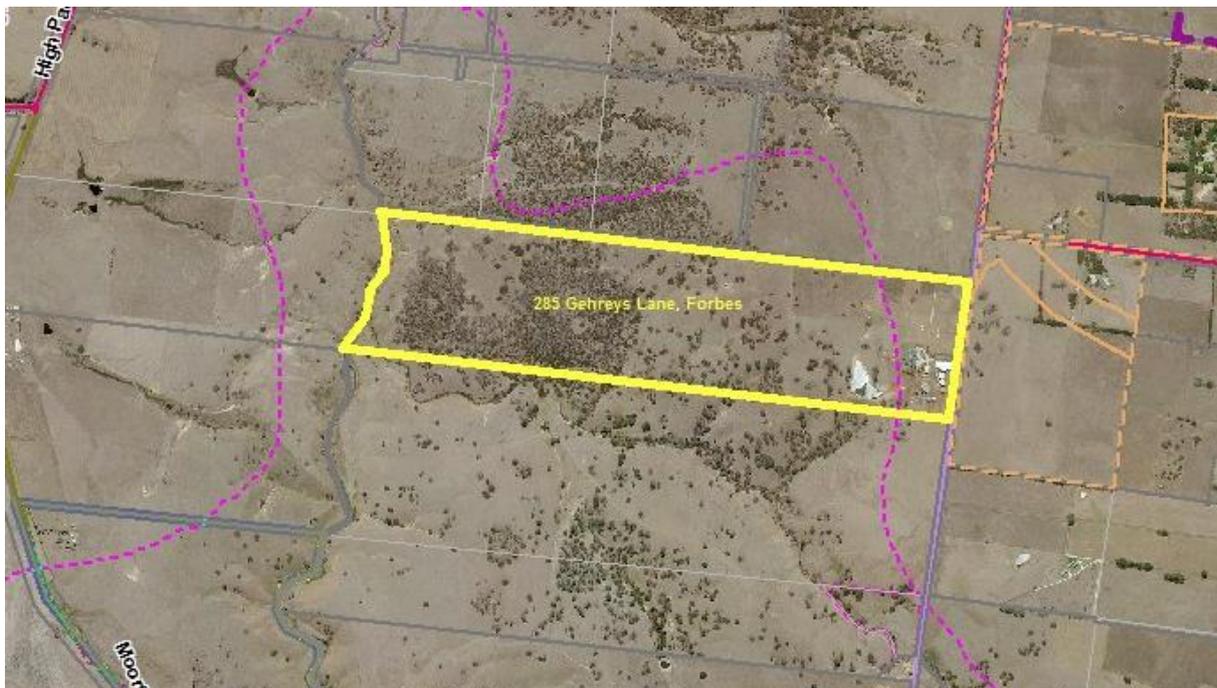
Author: Mathew Mertuszka - Principal Planner

File No: PLP084/17.01

Attachments: Nil

Property No.:	105902
Title Details:	Portion 55, Parish of Forbes
Applicant:	T & C Development
Zoning:	Farming Zone
Overlays:	Salinity Management Overlay Erosion Management Overlay Bushfire Management Overlay
Objections Received:	None
Cultural Heritage Management Plan Required:	No, the proposal is exempt from requiring a Cultural Heritage Management Plan
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



PLANNING PERMIT APPLICATION PLP084/17 FOR A 2 LOT SUBDIVISION AT 285 GEHREYS LANE, FORBES (CONT.)

SUMMARY

The application is seeking to amend the proposed layout of an existing planning permit issued by Council at their Ordinary meeting in October 2017 to subdivide the land into two lots, excising the existing dwelling and equine use from the remainder of the site.

The amendment consists of changes to the proposed lot layout particularly between the adjacent government road reserve and north-east section of Lot 1, providing access to Lot 2. Consequently, the request to amend the plans to reflect this alternate layout will result in the deletion of Condition 1.

Due to the minor nature of the amendment the proposal was not required to be advertised as it would not result in material detriment to any person.

SITE AND SURROUNDS

Subject Site Description

The subject site is described as Portion 55, Parish of Forbes and is located at 285 Gehry's Lane, Forbes. The site is accessed from Paynes Road.

The site currently contains a large dwelling with several large outbuildings that include stables, riding arena and various other buildings predominantly used in conjunction with the established equine facility operating from the land.

The site has an area of approximately 75.8 hectares and is rectangular in shape except for the western boundary adjacent to Lintons Creek. The site has a 417m frontage to Paynes Road, approximately 1777m long northern boundary and 1852m long southern boundary.

The topography of the site is undulating in parts with several ridgelines running through the property as well as containing dense native vegetation in parts. The area that is proposed to be subdivided consists of extensive native vegetation and is extremely undulating.

A large dam is located near the existing dwelling and horse yards, with several smaller dams scattered throughout the site. The eastern portion of the site closest to Paynes Road contains some scattered vegetation with most vegetation on the site being located further to the west where dense patches exist, including vegetation along the title boundaries.

Surrounding Area

The subject site is located to the south west of Kilmore in an area within the Farming Zone. Uses in the area include animal grazing and equine uses amongst lifestyle properties on the outskirts of Kilmore.

Land to the immediate north, west and south consist of mainly larger allotments in a range of sizes mostly in excess of 40 hectares with a number of smaller lots. It is observed that smaller lots within the immediate vicinity of the subject land are mostly within common ownership, adding up to larger land holdings despite some smaller parcels being evident.

The topography to the west is undulating and vegetated whereas land to the east is mainly flat and mostly cleared, the site immediately to the north east is mostly flat and

PLANNING PERMIT APPLICATION PLP084/17 FOR A 2 LOT SUBDIVISION AT 285 GEHREYS LANE, FORBES (CONT.)

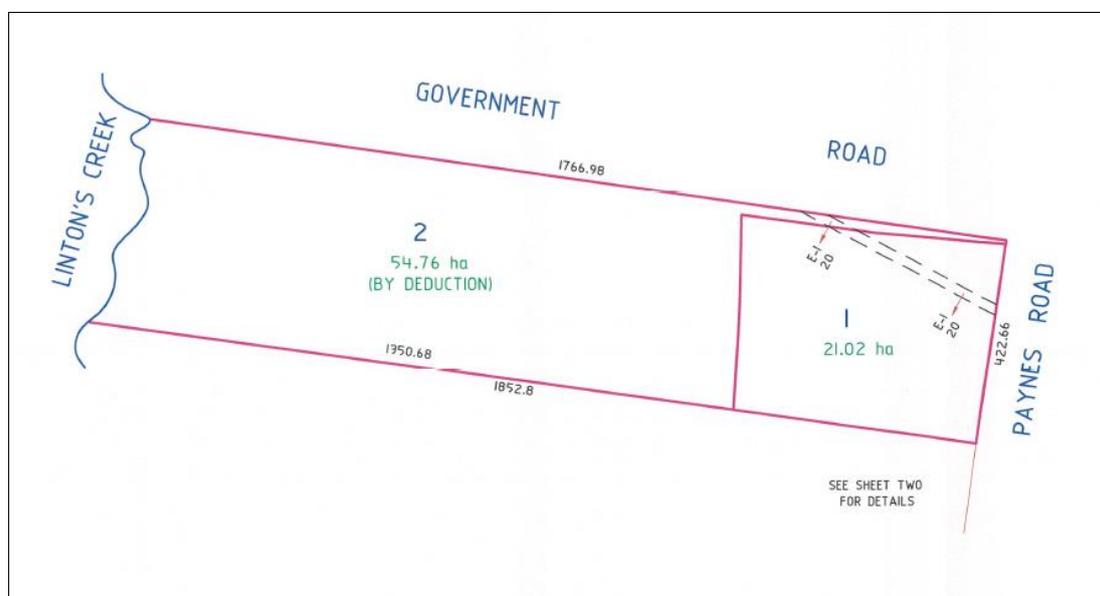
cleared. It should be noted that the site adjacent to the subject land known as 245 Gehrys Lane will be affected by the Wallan-Kilmore Bypass and is currently in the care of VicRoads.

PROPOSAL

The proposal is seeking to subdivide the land into two lots, Lot 1 having an area of approximately 21ha containing the existing dwelling and all associated equine infrastructure with the balance lot known as Lot 2 having an area of 54.8ha which is vacant.

Proposed Lot 2 will gain access to Paynes Road via a narrow battle axe spanning a length of in excess of 500m having a minimum width of 5.3m and widening after 147m closest to Paynes Road.

The subdivision layout seeks to formalise existing fencing located on the land.



HEARING AND CONSIDERATION OF SUBMISSIONS

Council has established the Community Questions and Hearings Committee to hear and report to Council on submissions received by Council under section 223 of the *Local Government Act 1989* and on objections and submissions received in relation to planning permit applications under the *Planning and Environment Act 1987*.

The applicant and any relevant submitters to the application have been invited to attend this meeting of the Community Questions and Hearings Committee to make a brief presentation in support of their application and submission.

RECOMMENDATION

THAT Council officers provide a report to Council in relation to the request to amend Planning Permit PLP084/17 at 285 Gehreys Lane, Forbes.

7 SUBMISSIONS

PUBLIC PARTICIPATION FORUM

In accordance with Clause 65 of the Meeting Procedure Local Law 2014.

8 QUESTION TIME

9 COMMUNITY PRESENTATIONS

10 DATE OF NEXT MEETING

Meetings of the Community Questions and Hearings Committee are scheduled for the second Monday of the month. If no submissions are scheduled to be heard at a particular meeting of the Committee, the meeting will be cancelled. The next meeting of the Community Questions and Hearings Committee is scheduled for 7.00pm on Monday 9 April 2018 at Mitchell Civic Centre, 113 High St, Broadford.

11 CLOSE OF MEETING