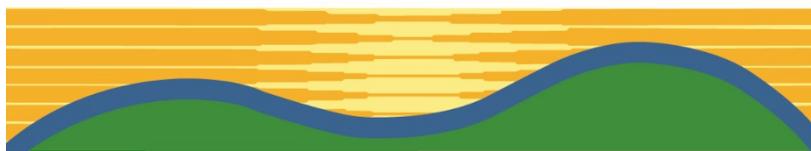


# MITCHELL SHIRE COUNCIL



## COMMUNITY QUESTIONS AND HEARINGS COMMITTEE

### AGENDA

**MONDAY 11 MAY 2020**

**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 Monday 11 May 2020** and via video conferencing, commencing at **7.00pm**.

**MARY AGOSTINO**  
**ACTING 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 14 April 2020, as circulated, be confirmed.

**RECOMMENDATION**

**THAT** the Minutes of the Special Community Questions and Hearings Committee held 4 May 2020, as circulated, be confirmed.

## 5 DEVELOPMENT AND INFRASTRUCTURE

### 5.1 625 & 646 NORTHERN HIGHWAY, WALLAN - AMENDMENT TO SPRINGRIDGE ESTATE DEVELOPMENT PLAN (DPO8)

**Author:** Sean Greer - Coordinator Strategic Planning

**File No:** PL/13/071

**Attachments:** Nil

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#### SUMMARY

In accordance with Clause 43.04 (Development Plan Overlay – Schedule 8 Wallan Development Plan) of the *Mitchell Planning Scheme*, an application to amend an approved Development Plan has been received from Veris Australia Pty Ltd on behalf of Synergy Living.

#### RECOMMENDATION

**THAT** Council officers provide a report to Council in relation to the amended Development Plan proposal pursuant to Clause 43.04 Development Plan Overlay (DPO8) of the *Mitchell Planning Scheme*.

#### BACKGROUND

The subject land is commonly referred to as the Springridge Estate and is comprised of two parent parcels being 625 Northern Highway and 646 Northern Highway, Wallan. The land is adjacent to Hidden Valley Estate on the opposing side of the Northern Highway and is within 1 kilometre of the Wallan town centre.

The site is bounded by the Northern Highway to the east, residential development to the south which is a mixture of conventional residential and low-density allotments, Old Sydney Road to the west and farming land to the north. The subject land is the northernmost portion of land within Melbourne's Urban Growth Boundary.

#### Existing Development Plan

The first Development Plan for the subject land was approved by Council on 24 January 2005. Since then, there have been three (3) amendments to the Development Plan with the latest amendment being approved by Council on 17 July 2017.

The current approved Development Plan allows for:

- A total site area of 130 hectares to provide for 938 lots.
- Passive open space predominantly considered to be encumbered land abutting waterbodies traversing from north to south through the subject site.
- 4 points of access/egress – 2 have been constructed (eastern end of Springridge Boulevard which intersects with the Northern Highway and Pretty Sally Drive which intersects with Darraweit Road to the south) and 2 to be

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625 & 646 NORTHERN HIGHWAY, WALLAN - AMENDMENT TO SPRINGRIDGE ESTATE DEVELOPMENT PLAN (DPO8) (CONT.)

constructed (western end of Springridge Boulevard which will intersect with Old Sydney Road and a connection with Roulston Way to the south).

### Proposal

- To increase the total number of residential lots from 938 to 994 (increase of 56).
- Change the use of the designated community centre site to a combination of open space and residential allotments (medium density site).
- In lieu of the community centre site, delivery of a trail along the western side of the Northern Highway.

### Planning Scheme Provisions

The subject site is located within the General Residential Zone pursuant to Clause 32.08 of the *Mitchell Planning Scheme*.

The subject site is affected by the Development Plan Overlay – Schedule 8 (DPO8). The proposed changes are largely similar to the approved development plan and do not constitute fundamental changes to the existing framework. The proposed changes are considered to be consistent with the requirements of DPO8.

The Bushfire Management Overlay (BMO) partly affects the subject site covering approximately 4 hectares of land. The portion of land affected is on the eastern side of Old Sydney Road and no additional lots are proposed within the extent of the BMO. The CFA raised no objections to the proposed changes.

The Erosion Management Overlay (EMO) also partly affects the subject site covering approximately 8.9 hectares of land. This overlay requires a planning permit for future subdivision but is of little relevance to the assessment of the proposed changes to the development plan.

The Vegetation Protection Overlay – Schedule 1 (VPO1 – Roadside and Corridor Protection) applies to Old Sydney Road and land either side of it south of the subject site. While the VPO1 is in close proximity it is not applicable to this proposal.

## **ISSUES AND DISCUSSION**

### Assessment against the DPO8 provisions

The proposal is considered to be generally consistent with the objectives of the DPO8. Many of the objectives are being met through existing approvals such as the tree reserve to the north, provision of open space and pedestrian/cycle routes. Amending the existing development plan will provide for improved connectivity from the subject site to the Wallan Town Centre and will improve interface outcomes along Old Sydney Road compared to the current approved plan.

625 & 646 NORTHERN HIGHWAY, WALLAN - AMENDMENT TO SPRINGRIDGE ESTATE DEVELOPMENT PLAN (DPO8) (CONT.)

The table below provides a response against the requirements of the DPO8:

<b>DPO8 Requirement</b>	<b>Response</b>
Road reservations, widths and alignments	The proposed development plan indicates the location of roads and widths. A notation is included that road widths will be subject to further Council approval which is appropriate as the widths will be confirmed at the subdivision stage.
The number and size of allotments to be created	The proposal seeks to increase the number of allotments to 994. A subdivision concept plan accompanied the application to provide an understanding of the likely lot sizes, however, it is common practice and more appropriate for lot sizes to be confirmed at the subdivision stage and not at the development plan stage.
The nature and use of all lots	The proposed development plan indicates that the majority of lots will be used for residential purposes and identifies the open space network.
A comprehensive landscape plan	This requirement is satisfied via conditions in the existing section 173 agreement and planning permit (P304973/07).

#### Old Sydney Road – Function and interface

The majority of community submissions received raised concerns around the impacts future development would have on the function and interface of this road. The dot points below provide an overview of the concerns raised and how the proposal seeks to mitigate those concerns:

- ***Future residential lots having direct access onto Old Sydney Road***

Response – the approved development plan from September 2017 displays 21 lots with direct access onto Old Sydney Road. Agreement has been reached with the applicant / developer that no future lots will have direct access to Old Sydney Road and the only intersection with Old Sydney Road will be the future extension of Springridge Boulevard. Moreover, lots with a frontage to Old Sydney Road will be accessed via a service road.

The proposed treatment across the frontage of the site to Old Sydney Road of approximately 500 metres will include a service road treatment. This will be separated by a landscape reserve to the main north-south carriageway of Old Sydney Road. This combined with tree planting in front of each residential lot, a pedestrian path and crossovers into each residential property, high level construction costs to complete this interface, including the landscape treatment is approximately \$1.1 million.

- ***Increase in traffic and road safety***

Response – the traffic advice accompanying the proposal indicates that the increase in daily traffic as a result of the proposal will be negligible. Most vehicle movements along Old Sydney Road as a result of the development is anticipated to be residents in those lots close to the western boundary. There is an existing permit condition requiring the upgrade of part of Old Sydney Road and the intersection of Darraweit

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625 & 646 NORTHERN HIGHWAY, WALLAN - AMENDMENT TO SPRINGRIDGE ESTATE DEVELOPMENT PLAN (DPO8) (CONT.)

Road that will provide adequate capacity to accommodate the proposed growth of the estate.

Council is responsible for the safe operation of Old Sydney Road as it is the relevant road authority. Monitoring will be required for this road as development occurs across the Wallan township as it expected that any 'rat running' along Old Sydney Road to avoid the Northern Highway within the Wallan Town Centre will be generated from residents outside of the Springridge Estate.

- ***Loss of roadside vegetation***

Response – as mentioned earlier in this report, the VPO1 applies to a portion of Old Sydney Road and land either side of it but not for the section abutting the subject site. This appears to be due to a decrease of vegetation coverage in comparison to the section of Old Sydney Road south of the subject land. In response to submissions, the applicant/developer has prepared an indicative cross-section that shows a landscape buffer will be provided that will enable retention of some existing vegetation. Any future removal of native vegetation south of the subject land within the road reserve to facilitate improvements, will be subject to a separate planning permit application process that will require detailed assessments to be undertaken.

- ***Interface with adjoining zones***

Response - the Springridge Estate is within the Urban Growth Boundary and adjoins land within the Farming Zone (western side of Old Sydney Road and north of the subject site) and the Low-Density Residential Zone (south abutting along Hanson Road). Managing interface and amenity expectations when residential land adjoins rural land has its challenges but is not an uncommon occurrence. Protecting existing character and amenity needs to be balanced when one side of a street is zoned for residential development while the opposite side is rural land.

The proposal mostly has measures in place to reduce instances where residential land will directly abut land in an adjoining zone. The northern boundary incorporates a 10-metre-wide plantation buffer which is partly established and in time the trees will mature to provide greater visual protection. Old Sydney Road has a wide road reserve varying between 60 – 70 metres wide (approximately) resulting in dwellings on the opposite side of this road being close to 100 metres from the future development front. The proposed two rows of landscaping on the eastern side of Old Sydney Road will further assist with screening future lots and reduce visual impact to rural properties on the west side of Old Sydney Road.

The exception is Hanson Road where existing properties in the Low-Density Residential Zone (LDRZ) will directly adjoin future residential lots. However, these future lots will be large with most being over 1,000 square metres to provide a transition and responding to topography. These lots are mostly larger than the existing lots along Roulston Way that are also in the GRZ1 to the south of Hanson Road. The LDRZ is categorized as a residential zone in the planning system and it often performs the role of a transition zone between conventional residential land and rural land which is occurring in this instance.

625 & 646 NORTHERN HIGHWAY, WALLAN - AMENDMENT TO SPRINGRIDGE ESTATE DEVELOPMENT PLAN (DPO8) (CONT.)

Land identified for community centre site:

- **Current requirement**

Section 173 Agreement AH931401G was entered into between Council and the landowners on 20 April 2011. This agreement identified requirements pertaining to (but not excluded to) land for a community centre and a per lot contribution towards community infrastructure.

The requirements for a community centre site outline that a site not less than 1,500 square metres in size must be provided to Council. The agreement does not apportion construction costs or impose construction of the community centre upon the landowner. The per lot contribution of \$1,300 (subject to indexation) is a potential funding source towards the centre but there would still be significant funding shortfall.

The agreement outlines that Council has the discretion to modify the community centre site requirements "*in writing and with the agreement of the Owners*". The proposal before Council, seeks Council to exercise this discretion.

- **Subject site**

The site that has been set aside for the community centre site is identified as Lot D on Plan of Subdivision 630437. This parcel has not been subdivided from the parent property and remains within the ownership of the developer.

This site is over 2,660 square metres in area and has three road frontages (Springridge Boulevard to the north, Pretty Sally Drive to the east and Callistemon Place to the south). It is understood, based on valuations from late 2019, the value that could be realised on this land is approximately \$1.05m.

This site is not large enough to accommodate a community centre and also doesn't allow opportunities for co-location or integration of other community services which is a key principle within Council's Integrated Community Service and Infrastructure Plan (ICSIP).

Existing development to the west of this site has partly comprised future development outcomes for the site. The residential allotments abutting the western property boundary are rear loaded resulting in the dwellings fronting onto the site with a pathway providing separation. Any future development of Lot D would need to factor in the protection of residential amenity thus reducing its development potential. There is also an existing electrical kiosk on the north-western corner of Lot D.

- **Assessment**

'Figure 8 – Community Facilities' within the Wallan Structure Plan identifies five (5) potential locations for community infrastructure hubs across the Wallan township to accommodate future population needs. The Springridge Estate is not identified as a location for a community infrastructure hub in the Wallan Structure Plan as facilities within the Wallan Town Centre are anticipated to accommodate the needs for current and future Springridge residents.

The proposed trail will be located along the western side of the Northern Highway, connecting the Springridge Estate to William Street. The trail will be approximately 700 metres in length and 3 metres wide. The trail will be constructed partly on a Council reserve and within the Northern Highway road reserve which will require

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625 & 646 NORTHERN HIGHWAY, WALLAN - AMENDMENT TO SPRINGRIDGE ESTATE DEVELOPMENT PLAN (DPO8) (CONT.)

separate approval from VicRoads. The approximate cost to deliver this path is approximately \$350k to \$400k.

The proposed trail is strongly supported by the Wallan Structure Plan. 'Figure 13 – Walking and Cycling Paths' within the Wallan Structure Plan envisages trail within the road reserve on both sides of the Northern Highway. The Structure Plan also includes an objective to "*improve the existing footpath network across Wallan with a focus on key streets that provide access into the town centre*" (p. 34).

Submissions from three (3) abutting landowners within Nemoya Court were received during notification of the proposal. Not all of the concerns raised can be resolved and the notion of Council providing a new boundary fence is not supported. It is considered that landscaping treatment and establishing separation between adjoining properties and the path alignment is a reasonable outcome.

The trail alignment is not confirmed at this stage as detailed design has not occurred. The proposal includes an indicative alignment which is a guiding document. It is proposed that discussions with the adjoining landowners to the trail occurs at the time of detailed design being prepared and necessary approvals from relevant referral authorities.

It is proposed that Council enter into a new section 173 agreement with the developer around the delivery of the trail. This is to ensure that the community centre site obligations within the existing section 173 agreements are being discharged towards an alternative infrastructure item that will deliver a safer pedestrian link for residents to and from the town centre.

## CONSULTATION

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

However, it was determined by officers to notify surrounding landowners of the proposed changes to the Development Plan, along with the relevant agencies and stakeholders. A process of non-statutory public notice occurred on 23 January 2019 and until 15 February 2019. Five (5) community submissions were received during this consultation period.

An initial Community Questions and Hearings Committee was held on 10 February 2020. Following this meeting, an additional twenty-three (23) community submissions were received predominantly from landowners along Old Sydney Road. A submitter information session was held on 4 March 2020 which included detailed discussions in relation to the Old Sydney Road concerns with approximately 25 community members in attendance in addition to the three South Ward Councillors and Council staff. Given the carriage of time between the first Community Questions and Hearings Committee and subsequent submissions received since February, it was deemed appropriate for an additional Community Questions and Hearings Committee on Monday 11 May 2020.

An overview of submissions and an officer response will be provided as an attachment to a future Council report.

625 & 646 NORTHERN HIGHWAY, WALLAN - AMENDMENT TO SPRINGRIDGE ESTATE DEVELOPMENT PLAN (DPO8) (CONT.)

Agency responses were received from the Department of Environment, Land, Water and Planning, CFA and Melbourne Water who all provided no objection. VicRoads did not object and indicated a preferred trail alignment.

Internal comments were provided by Council's Engineering and Active Communities departments that provided no objection. Some reservations were raised around the configuration of the new park (proposed in lieu of the community centre site) and its proximity to an existing playground. The potential development outcomes of the site are partly comprised due to development to the west of the mooted community facility site and the need to protect residential amenity of dwellings along Astelia Lane. As a result of the sites constraints, it is considered that the configuration of the new park is appropriate as it allows for a level of public amenity and place making for residents nearby.

### FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

The delivery of the trail adjacent to the Northern Highway will have financial and resource implications for Council to obtain the necessary approvals and assistance with the detailed design. The developer has agreed to delivering the trail as works-in-kind that has an indicative cost estimate of \$350k to \$400k. This will deliver a key connection that is currently not included within Council's capital works plan.

Once the trail is delivered, maintenance of the trail and surrounding landscaping will become a Council responsibility.

### POLICY AND LEGISLATIVE IMPLICATIONS

The proposed changes to the Development Plan are consistent with the *Mitchell Shire Council Plan 2017-2021*. Key Strategy 3.1 of the Council Plan states that Council should "*Plan for growth and change through best practice design of services, infrastructure, open space and recreation facilities*". The proposed Development Plan has been prepared in accordance with the provisions of the *Planning and Environment Act 1987*.

### RISK IMPLICATIONS

Risk Ranking is determined using [ROHS201-G1- Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
The trail is not delivered in a timely manner.	Medium	Enter into a new section 173 agreement.	Yes – timeframes to be confirmed as part of the preparation of the new section 173 agreement.

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625 & 646 NORTHERN HIGHWAY, WALLAN - AMENDMENT TO SPRINGRIDGE ESTATE DEVELOPMENT PLAN (DPO8) (CONT.)

### **SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)**

The existing planning permit contains permit conditions that require detailed information around key environmental features such as landscape plans and construction management impacts to be provided. The proposed changes to the Development Plan will accommodate additional population in an established residential development in close proximity to the Wallan town centre.

### **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.

### **CHILDREN AND YOUNG PEOPLE IMPLICATIONS**

The trail will provide a key link into the Wallan town centre to encourage increase in walking and cycling. The trail will form part of the pedestrian network around Springridge Estate that connects to future park space.

### **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**

As part of the Development Plan assessment process, non-statutory notification was provided to State Agencies and surrounding landowners. Twenty-eight (28) community submissions were received to the amended Development Plan proposal. These submissions have been considered and have resulted in changes to the plan including no direct lot access onto Old Sydney Road and a service road to be constructed for residential lots along the western boundary. It is considered that the proposal provides improvements on the current development plan, is supported by relevant planning policies including those relating to the Wallan Structure Plan and will provide an overall net community benefit.

The proposed changes and update to the Development Plan has the potential to realise approximately \$1.5m in additional infrastructure to support the development of the land, being approximately \$1.1m for the frontage road treatment and access onto to Old Sydney Road and the additional \$350k to \$400k through the delivery of the 700m long trail along the Northern Highway.

It is recommended that Council resolve to approve the amended Development Plan and enter into a new section 173 agreement with the developer to secure the delivery of the trail which will provide a vital connection from Springridge Estate to the Wallan town centre.

## **6 SUBMISSIONS**

### **PUBLIC PARTICIPATION FORUM**

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

## **7 QUESTION TIME**

## **8 COMMUNITY PRESENTATIONS**

## **9 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 Tuesday 9 June 2020 at Mitchell Civic Centre, 113 High St, Broadford.

## **10 CLOSE OF MEETING**