

MITCHELL SHIRE COUNCIL



HEARINGS COMMITTEE

AGENDA

MONDAY 13 FEBRUARY 2017

7.00pm

NOTICE IS HEREBY GIVEN that **Hearings Committee** of the Mitchell Shire Council will be held at **Mitchell Civic Centre, 113 High St, Broadford**, on **Monday 13 February 2017** commencing at **7.00pm**.

DAVID TURNBULL
CHIEF EXECUTIVE OFFICER

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1 GOVERNANCE DECLARATION

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 Hearings Committee held 5 December 2016, as circulated, be confirmed.

5 SUSTAINABLE COMMUNITIES

5.1 PLANNING PERMIT APPLICATION PLP060/16 FOR A STAGED RESIDENTIAL SUBDIVISION AT 57 MELBOURNE STREET, KILMORE

Author: Nathan Aikman - Senior Statutory Planner

File No: PLP060/16

Attachments: Nil

SITE MAP



SUMMARY

An application has been received for a 59 lot residential subdivision at 57 Melbourne Street, Kilmore. Each lot would be between 798 m² to 1679 m² in size and would be accessed via a newly constructed road from Murray Street to the north and John Street from the west.

Notification of the application was given to surrounding owners and occupiers. A total of four (4) objections were received with grounds relating to no provision of public open space, inappropriate design response with respect to heritage significance and topography of the site, inappropriate density of development for this part of Kilmore and concern that the subdivision will lead to significant traffic congestion.

PLANNING PERMIT APPLICATION PLP060/16 FOR A STAGED RESIDENTIAL SUBDIVISION AT 57 MELBOURNE STREET, KILMORE (CONT.)

SITE AND SURROUNDS

Subject Site Description

The subject site is formed of two parcels of land described as Lot 1 on TP512192V and Lot 1 on TP710772W, and is located at No. 57 Melbourne Street, Kilmore.

The subject site is surrounded by streets with a frontage to Melbourne Street (generally to the east) of 327metres, a frontage to Mitchell Street (to the south) of 291 metres, a frontage to John Street (to the south-west) of 157 metres, a frontage to Junction Road (to the west) of 100 metres and a frontage to Murray Street (to the north-west) of 263 metres. The total area of the subject site is approximately 7.88ha.

While the subject site is surrounded by streets, the surrounding streets are not constructed with any clear demarcation between the road reserves or adjoining lots.

The subject site is currently undeveloped and is locally known as 'Brewery Hill', having been the site of the former Kilmore Brewery.

The subject site is defined by its steep topography rising approximately 10 metres in parts. It is cleared of most vegetation with the exception of some Monterey Pines and immature Sheoaks. The site is free of any watercourses.

Planning Background

P4978

A planning permit was issued on 8 November 1990 for a 40 lot subdivision. It appears that the subdivision approved by this permit was commenced insofar as the registration of a Section 173 Agreement on the titles for the provision of infrastructure and apportionment of contributions for the development. The subdivision however never proceeded and the land remained vacant and was not subdivided. The planning permit has subsequently expired.

P302685/01

A planning application was issued on 18 October 2001 for a 2 lot subdivision. This permit was never enacted and has subsequently expired.

P306625/11

Was issued 1 March 2013 for a 102 lot subdivision that provided for 102 lots varying in size from 388sqm to 2,220sqm. The majority of the lots will range from 400sqm and 530sqm with larger lots to the north and north-west of the site ranging from 700sqm to 2,220sqm. This permit remains valid but would not be acted upon should the application for permit forming part of this assessment be approved.

Title/Restrictions/Agreements

There is a Section 173 Agreement, created by instrument S489162V on 17 May 1993, registered on each title. The Section 173 Agreement was required under Planning

PLANNING PERMIT APPLICATION PLP060/16 FOR A STAGED RESIDENTIAL SUBDIVISION AT 57 MELBOURNE STREET, KILMORE (CONT.)

Permit P4978 (see history section below) and covenants road works, drainage, infrastructure provision and financial contributions in respect of the approved subdivision. The Section 173 Agreement would only end when the obligations had been satisfied. It is however noted that the Planning Permit to which the obligations relate was never enacted and has subsequently expired.

The removal of this Section 173 Agreement would be required prior to the commencement of the works associated with this subdivision. Discussion of this is contained within the assessment section of the report.

Surrounding Area

The subject site is located within a mixed use part of Kilmore. It is located within an area zoned General Residential, however is directly adjacent to the Coles Supermarket which defines the northern most point of the Kilmore Retail Strip within the Business 1 Zone. To the north is land zoned Industrial 1 and to the west is land zoned either Farming or General Residential.

To the north of the subject site is Clarke Street beyond which is the industrial zoned land which is progressively being developed with an Industrial Estate.

To the east of the subject site are properties generally fronting Sydney Street, with the Coles Supermarket at the northernmost interface, with some dwellings and a motel further to its south.

To the south-east of the subject site is a typical residential subdivision within Melbourne Street and Union Street with lot sizes ranging from around 500sqm to 1,000sqm. There are some larger remnant residential sites to the south.

To the south-west of the subject site is a newer residential subdivision that is progressively being developed. It is typically developed with single dwellings on lots of around 400sqm to 1,000sqm. To the north-west of the site is farming land that is generally vacant.

The Kilmore town centre and shopping precinct is located directly to the east of the subject site (i.e. the Coles Supermarket) and extends approximately 1km to the south along Sydney Street. The closest public transport connections are a bus stop on Sydney Street that provides V-Line coach services throughout rural Victoria and to Melbourne, and a local bus service connection to the Kilmore East Railway Station

HEARING AND CONSIDERATION OF SUBMISSIONS

Council has established the 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*.

PLANNING PERMIT APPLICATION PLP060/16 FOR A STAGED RESIDENTIAL SUBDIVISION AT 57 MELBOURNE STREET, KILMORE (CONT.)

The applicant and the objectors to this Planning Permit application have been invited to attend this meeting of the Hearings Committee to make a brief presentation in support of their application and submission.

A schedule of submissions to be heard will be tabled at the meeting.

The process for hearing the submissions is outlined in the Hearings Committee Charter adopted by the Council on 10 November 2014. Following hearing of submissions by the Committee, a report on the proposal will be submitted to Council for consideration.

Council is required to consider all submissions received before deciding on the matter.

RECOMMENDATION

THAT Council Officers provide a report to Council in relation to Planning Permit Application PLP060/16 for a staged residential subdivision at 57 Melbourne Street, Kilmore (Lot 1 on TP 512192V)

5.2 PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 22 TOMLINSONS TRACK, WILLOMAVIN

Author: Mathew Mertuszka - Statutory Planner

File No: P306247/10.02

Attachments: Nil

SITE MAP



SUMMARY

This application seeks to Amend Planning Permit P306247/10 to allow for an event that is scheduled to take place on the second Saturday of March each year on an ongoing annual basis between the hours of 9am and 6pm.

The permit currently allows for shooting to only occur on the land between the hours of 10am to 5pm Monday to Saturday. The proposal therefore seeks to operate within

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 22 TOMLINSONS TRACK, WILLOMAVIN (CONT.)

the limits of the substantive permit, however with an additional two hours of shooting for only one of the allowed 24 shoot days per year.

A total of 9 objections were received, one stand alone and 8 combined under a single submission.

SITE AND SURROUNDS

Subject Site Description

The subject land is an existing Field and Game Club shooting range located on land to the west of Tomlinson Track and to the south of Tantaraboo Road in Willowmavin, approximately 13km to the west of Kilmore.

The site consists of five crown allotments covering a total area of approximately 78.86ha. The entrance to the site is located approximately 230m north of the intersection of Tantaraboo Road and Tomlinson Track. The internal accessway is approximately 720m in length and crosses CA 4 and CA 8 to the site of the clubhouse and associated shedding which are located on CA 8 and CA 3.

Ten existing shooting stands and shooting stand outfall areas are sited on various locations across CA 3, CA 6, CA 8 and CA 14. The firing stands are located along both sides of a waterway with the stands designed to shoot away from the creek line and lead shot to be contained in the shooting stand outfall areas. A track from the clubhouse runs along either side of the waterway to provide access to the shooting stands and includes rough creek crossings.

The land is part of a larger rural land holding totalling approximately 246ha which includes a dwelling located approximately 715m to the east of the clubrooms. There are hills to the north and northwest of the clubhouse which are shown on Council's mapping to rise to approximately 450m on CA 6 and CA 8. The unnamed waterway between the shooting stands runs between the two hills down to a level of approximately 400m and the site of the clubhouse. The waterway has a good cover of native vegetation along the adjacent riparian area and there are vegetation patches and scattered native paddock trees across the allotments.

Surrounding Area

The surrounding area is wholly located within the Farming Zone and is characterised by large land parcels with the predominant agricultural land use being stock grazing. This is most notable to the north, south and west of the site.

Land to the east in the direction of Kilmore consists of a variety of land sizes including the two significant equine operations, other large grazing properties as well as a number of smaller land parcels used for lifestyle purposes generally with a dwelling and hobby farm activities

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 22 TOMLINSONS TRACK, WILLOMAVIN (CONT.)

HEARING AND CONSIDERATION OF SUBMISSIONS

Council has established the 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 the objectors to this Planning Permit application have been invited to attend this meeting of the Hearings Committee to make a brief presentation in support of their application and submission.

A schedule of submissions to be heard will be tabled at the meeting.

The process for hearing the submissions is outlined in the Hearings Committee Charter adopted by the Council on 10 November 2014. Following hearing of submissions by the Committee, a report on the proposal will be submitted to Council for consideration.

Council is required to consider all submissions received before deciding on the matter.

RECOMMENDATION

THAT Council Officers provide a report to Council in relation to Planning Permit Application P306247/10.02 For the use of the land for leisure and recreation (simulated field and game shotgun target range) at 22 Tomlinson Track, Willomavin.

6 DATE OF NEXT MEETING

Meetings of the Hearings Special Committee are scheduled for the first and third Mondays 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 Hearings Committee is scheduled for 7.00pm on Tuesday 14 March 2017 at Mitchell Civic Centre, 113 High St, Broadford.

7 CLOSE OF MEETING