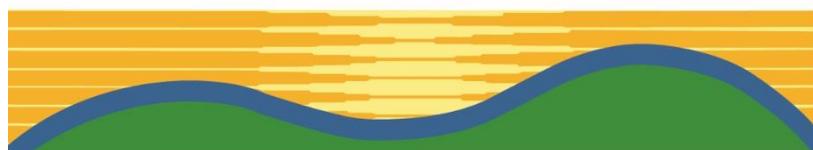


MITCHELL SHIRE COUNCIL



COMMUNITY QUESTIONS AND HEARINGS COMMITTEE

AGENDA

MONDAY 11 FEBRUARY 2019

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 February 2019** 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 10 December 2018, as circulated, be confirmed.

5 GOVERNANCE AND CORPORATE PERFORMANCE

5.1 PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE

Author: Teresa Hendy - Property Officer

File No: CP/06/012, ST/01/001

Attachments: 1. Area proposed to be declared public highway

Reference: CM18/307

SUMMARY

This report follows a Council Report from 15 October 2018 that discussed issues associated with the land on both sides of Wandong Avenue where the road abuts Rail Street. The recommendations of the Council Report of 15 October 2018 were that Council:

1. Propose to declare the northern section of Wandong Avenue, Wandong (adjacent to Rail Street), and as shown on Attachment 1 of this report, as a public highway.
2. Authorise the giving of Public Notice under Section 223 of the *Local Government Act 1989* of the intention to declare the section of Wandong Avenue, as shown on Attachment 1, a public highway under Section 204(1) of the *Local Government Act 1989*. The Public Notice would be published in a local newspaper and on Council's website.
3. In accordance with Section 223 of the *Local Government Act 1989*, receive written submissions and hear from submitters at a meeting of the Community Questions and Hearings Committee.

The ownership and management of this land adjacent to the constructed road (Wandong Avenue) has long been the subject of uncertainty.

The proposal to declare the whole of the land (shown in Attachment 1) as a public highway would create certainty for future management of the land and the proposal has been advertised to the community by giving public notice and requesting submissions.

In recognition of the long-established use of the whole of the land by vehicle and pedestrian traffic, it is considered that the area under discussion and shown in Attachment 1 of this report is considered reasonably required for public use and it is a recommendation of this report that the area be declared a public highway.

PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE (CONT.)

RECOMMENDATION

THAT Council officers provide a report to Council in relation to the proposed declaration of public highway, part Wandong Avenue.

BACKGROUND

The road in the section of Wandong Avenue adjacent to Rail Street has been used as a public highway for a significant period of time, likely well before the construction of the sealed road around 1970. It is approximately 50m in length. Given the length of time that the road has been used and accepted by the public as a road, the road is considered to be reasonably required for general public use and is also considered to be a public highway at common law.

This section of constructed road, along with the balance of Wandong Avenue, is listed on Council's Register of Public Roads. Therefore, under the *Road Management Act 2004*, the road vests in the municipal council of the municipal district in which the road is located. This is regardless of Council not being the registered proprietor of the land on title.

The land proposed to be included in the area to be declared a public highway includes the land on each side of the constructed Wandong Avenue adjacent to Rail Street. An approximation of the area of land under discussion in this report is shown in Attachment 1. Wandong Road (constructed) is referred to as the Road and the land to the north and south of the constructed road as the Land.

ISSUES AND DISCUSSION

In consideration of the expected growth around Wandong and subsequent increase in vehicle and pedestrian traffic, it is prudent to plan for future infrastructure demands by an application to transfer all the Land to Council. The transference of all the Land will also resolve speculation around the Road boundaries (along both sides of this section of constructed road).

The land along each side of the Road has long been used by pedestrians in travel paths along Wandong Avenue and between Wandong Avenue and Rail Street. The well established history of pedestrian traffic establishes solid grounds for the whole of the Land being considered reasonably required for use as a public highway, along with the constructed Road.

The inclusion of the Land in the road title will provide scope to allow for potential future widening of the road, curb and channel, intersection controls and a footpath on the southern side of Wandong Avenue down to Rail Street where the bus stop is located.

PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE (CONT.)

The southern side of Wandong Avenue has the space for a graduated all abilities footpath between Wandong Avenue and Rail Street.

The land to the south of Wandong Avenue would also allow for a pedestrian path to be constructed away from the thoroughfare of the Road and, if considered of community benefit, potential for seating to be placed in this area.

The development of the Wandong Community Hall has, over time, resulted in the hall grounds and infrastructure expanding beyond the boundary of Council owned land. The transfer of the land would allow the opportunity for a future realignment of boundaries between the Land and the title on which the Wandong Community Hall is located, thereby correcting this anomaly of the hall and surrounds expanding beyond the title boundary although there would need to be land left alongside the constructed road to allow for a 'nature strip' and installation of utility services.

This may be achieved by the declaration of the land and road as a public highway under section 204(1) of the *Local Government Act 1989*, subject to the support of Council and the undertaking of the required statutory processes. Conditional on the outcome of the statutory processes and subsequent support of Council, an application can be made to the titles office for registration of a certificate of title for the road (Road and Land) in Council's name. The application would be made under section 54 of the *Transfer of Land Act 1958*.

It is noted that neighbouring properties have fenced in part of the Land which is the subject of the declaration and, should the declaration of public highway be supported, this is a matter which will need to be resolved.

CONSULTATION

Public Notice was given in the local newspaper on 30 October 2018 and placed on Council's website.

In response to the public notice, there was one objection to the proposal and four responses supporting the proposal.

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*. In this instance, the submissions are in relation to the proposed declaration of public highway under section 204(1) of the *Local Government Act 1989*.

PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE (CONT.)

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

If supported, the next step to give effect to the declaration of public highway would be the publication of a gazettal notice in the Victoria Government Gazette and this can be undertaken within the current officer resource, and at a cost of less than \$100.

A surveyor would need to be engaged to create the new title plan for the land to be declared as public highway and this should be less than \$1,000 unless a survey is required to be undertaken, which is unlikely.

The application to transfer the title to Council ownership must be undertaken by a legal representative due to the registration and representation requirements of the titles office for the transfer of titles.

Enforcement action may be able to be completed within existing resources and, should Council need to remove the fence, the costs associated with removing the fence can be recovered under the provisions of the *Local Government Act 1989*.

POLICY AND LEGISLATIVE IMPLICATIONS

This proposed declaration of public highway has been undertaken in line with the requirements of the *Local Government Act 1989* and the *Road Management Act 2004*.

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?
Loss of the potential use of the Land, particularly the Land to the south of Wandong Avenue where there is the space to provide future community infrastructure such as a graduated footpath.	Medium	Declare the Land a public highway, resulting in having the title in Council's ownership and the Land bought under the control of the <i>Road Management Act 2004</i> .	A surveyor would need to be engaged to create the new title plan for registration of ownership by Council.
The Land on the north side of Wandong Avenue which contains hard and soft landscaping treatments as part of the Hall surrounds is outside of the boundary of the land owned by Council.	Medium	Carry through with the process to declare the land a public highway.	A surveyor would need to be engaged to create the new title plan for registration of ownership by Council.
The path along the northern side of Wandong Avenue (in	Medium	Construct new graduated path on southern side of	Unknown.

PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE (CONT.)

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
front of the Hall) is narrow and follows the edge of the road which is inconsistent with Council's Road Management Plan.		Wandong Avenue down to Rail Street.	
The land on the southern side of Wandong Avenue may be perceived as forming part of the road.	Medium	Declare the Land a public highway, resulting in having the title in Council's ownership and the Land bought under the control of the <i>Road Management Act 2004</i> .	A surveyor would need to be engaged to create the new title plan for registration of ownership by Council.
The southern section of the Land adjacent to Wandong Avenue may be subject to a future adverse possession claim.	Medium	Declare the Land a public highway, resulting in having the title in Council's ownership and the Land bought under the control of the <i>Road Management Act 2004</i> .	A surveyor would need to be engaged to create the new title plan for registration of ownership by Council.

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

There are mature eucalypts on the Land on the southern side of Wandong Avenue. Two of the submissions supporting the proposed public highway declaration encouraged the retention of these trees. The protection and retention of the trees would augment the established character of Wandong and Heathcote Junction as semi-rural leafy neighbourhoods.

There are implied social benefits which would result from the transfer of the road and land as one parcel into Council's ownership. These include the future ability to construct a higher service level of footpath/s and road infrastructure for the community, both for safety reasons and to enable a more 'walking friendly' environment and a prospective pedestrian rest area.

There is also the possibility of being able to align boundaries to reflect the actual footprint of the Wandong Community Hall and secure this land for the community.

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

PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE (CONT.)

There are no direct implications for children and young people however, it could be reasoned that securing the Land for possible infrastructure such as footpaths may assist with the safety of pedestrians, particularly young children, when walking along roads which will only get busier as time goes on and the vehicle numbers increase along with the population.

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 discrepancy surrounding the ownership and management of the land abutting the northern section of Wandong Avenue has led to conflict and anomalies in the way the land has been used and developed.

The declaration of all of the area, being the constructed road and abutting land as shown in Attachment 1, as a public highway would give clarification and certainty for Council to plan and better manage the area for the local community.

In recognition of the long established use of the Land by vehicle and pedestrian traffic and the need to secure the Land for future use and infrastructure, it is considered that the area under discussion and shown in Attachment 1 of this report is considered reasonably required for public use.

PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE (CONT.)

MITCHELL SHIRE COUNCIL

Community Questions and Hearings Committee Meeting Attachment

GOVERNANCE AND CORPORATE PERFORMANCE

11 FEBRUARY 2019

5.1

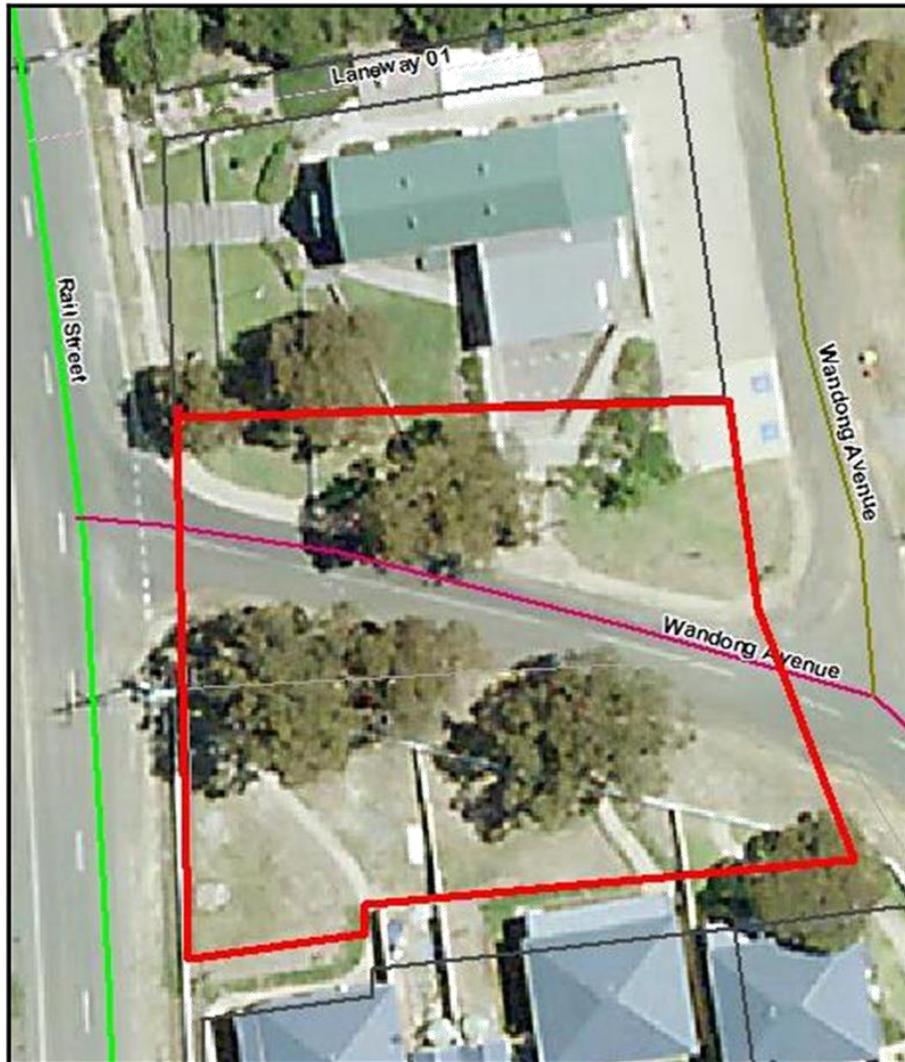
**PROPOSED DECLARATION OF PUBLIC
HIGHWAY - PART WANDONG AVENUE**

Attachment No: 1

Area proposed to be declared public highway

Attachment 1

Road and Land outlined in red – area proposed to be declared as public highway



6 DEVELOPMENT AND INFRASTRUCTURE

6.1 PLANNING PERMIT APPLICATION PLP252/18 FOR INSTALLATION AND DISPLAY OF MAJOR PROMOTIONAL SIGNAGE AT 127A NORTHERN HIGHWAY KILMORE

Author: Amy King - Statutory Planner

File No: PLP252/18

Attachments: Nil

Property No.:	116852
Title Details:	Land in PC163005G (Volume 09702 / Folio 637)
Applicant:	Total Outdoor Media
Zoning:	Industrial 1 Zone
Overlays:	Nil
Objections Received:	3 objections received
Cultural Heritage Management Plan Required:	No. While the subject site is located within an area identified for cultural heritage significance, the proposed development is not a high impact activity thus negating the need for 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

PLANNING PERMIT APPLICATION PLP252/18 FOR INSTALLATION AND DISPLAY OF MAJOR PROMOTIONAL SIGNAGE AT 127A NORTHERN HIGHWAY KILMORE (CONT.)

SITE MAP



Aerial image of subject site

SUMMARY

Planning permit application PLP252/18 seeks to obtain planning permission for the installation and display of a major promotional sign at 127A Northern Highway, Kilmore.

The site is zoned Industrial 1 and is not affected by Overlays. The site is located on the northern entry to the township. The subject site is affected by multiple easements.

The application was advertised by mail to adjoining properties as well as by placing a site on the site. Three objections were received to the application.

SITE AND SURROUNDS

Subject Site Description

The subject site (legally described as Land in PC163005G, Volume 09702 / Folio 637) is located at 127A Northern Highway in Kilmore. The site is generally rectangular in shape with a splayed north-east corner, and is located on the south-west junction of Northern Highway and Willowmavin Road, Kilmore. The site has a northern property boundary of 96.99m (adjoining Willowmavin Road), depth of 52.68m (western property boundary) resulting in a lot yield of 5385sqm.

The site is developed with an existing industrial building located within the western aspect of the site and is currently used as a depot for VicRoads. A metal post fence traverses the eastern and northern boundaries and existing vegetation (shrubs) can be found in the western aspect of the site. Vehicle access is provided via an access lane adjoining the Northern Highway.

Car parking for the depot is found adjoining the depot building accessed via the vehicle crossing to the service lane. Modest sized business identification signage identifying

PLANNING PERMIT APPLICATION PLP252/18 FOR INSTALLATION AND DISPLAY OF MAJOR PROMOTIONAL SIGNAGE AT 127A NORTHERN HIGHWAY KILMORE (CONT.)

VicRoads depot can be found on the site, along with a promotional sign affixed to the fence facing north, promoting a nearby garden supply centre.

The site is located at the northern end of the Kilmore Township within the Industrial Precinct of Kilmore.

Surrounding Area

The surrounding area to the immediate north, east and south of the subject site are within common zoning (Industrial 1 Zone). The site to the west of the site is used for industry (concrete batching) and to the south is used for a shed company. The site to the north of the subject site is used for commercial purposes (horse supplies).

The land to the east of the site (east of the Northern Highway) is within the Rural Living Zone and is used and developed for rural residential purposes.

Further south of the site is the Kilmore Township.

PROPOSAL

The proposal entails the installation and display of a major promotion sign. Specifically, this includes:

- The installation of a sign in the north-east corner of the site, proposed to be setback 10m from the northern property boundary (Willowmavin Road) and 1m from the eastern property boundary (Northern Highway).
- The proposed sign measures 12.66m (wide) x 7m (high, overall) with a total display area of 42.21sqm.
- The display area is to be static (not electronic) in nature.
- The display area of the sign is proposed to sit 3m above natural ground level.
- The sign is proposed to display promotional content, which will vary over time depending on the clients purchasing the display space.
- The proposed sign is to be illuminated via floodlights located under the sign which would project light up to the content.
- The sign also contains a small cladding area underneath the display area containing a small corporate logo for the applicant.
- The proposed installation does not require any trees to be lopped, destroyed or removed.

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.

PLANNING PERMIT APPLICATION PLP252/18 FOR INSTALLATION AND DISPLAY OF MAJOR PROMOTIONAL SIGNAGE AT 127A NORTHERN HIGHWAY KILMORE (CONT.)

RECOMMENDATION

THAT Council officers provide a report to Council in relation to Planning Application PLP252/18 for installation of a major promotion sign at 127A Northern Highway, Kilmore.

6.2 38-50 MILL ROAD KILMORE PLP003/18 - STAGED MULTI-LOT SUBDIVISION AND THE REMOVAL OF NATIVE VEGETATION

Author: Amy King - Statutory Planner

File No: PLP003/18

Attachments: Nil

Property No.:	106182
Title Details:	Lot 1 on LP114531 (Volume 10774 / Folio 928)
Applicant:	Planright Australasia Pty Ltd
Zoning:	Low Density Residential Zone
Overlays:	Nil
Objections Received:	7 objections received
Cultural Heritage Management Plan Required:	Yes. A Cultural Heritage Management Plan was supplied with the permit application as the site is located within an area identified for 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

(Aerial image of 38-50 Mill Road, Kilmore)

38-50 MILL ROAD KILMORE PLP003/18 - STAGED MULTI-LOT SUBDIVISION AND THE REMOVAL OF NATIVE VEGETATION (CONT.)

SUMMARY

Planning permit application PLP003/18 was received by Council on 3 January 2018 for a multi-lot subdivision and the removal of native vegetation of land at 38-50 Mill Road in Kilmore. The application is in part retrospective as some vegetation has already been removed prior to consent being issued.

The land is zoned Low Density Residential with no Overlays applicable.

The application was publicly notified by mail to adjoining and nearby owners and occupiers and with multiple signs on site on each road frontage. Nine objections were received.

SITE AND SURROUNDS

Subject Site Description

The subject site 38-50 Mill Road, Kilmore (legally described as Lot 1 on LP114531, Volume 10774 / Folio 928) is generally rectangular in shape and is located on the eastern side of Mill Road. The site is afforded a frontage to Mill Road of 315.27m (western property boundary), depth of 242.03m (southern property boundary) and 164.75m (northern property boundary, Curry Road) resulting in a lot area of 6.355ha.

The site is currently devoid of structures. The site is gently undulating and contains existing vegetation along the western property boundary, along the drainage line traversing the site, and scattered trees are found throughout the site.

The site is located approximately 800m south of the intersection of Mill Road and Powlett Street and is at the south-eastern junction of Mill Road and Curry Road.

Surrounding Area

The surrounding area is characterised by low density residential dwellings, which are developed to the immediate east, south and west of the subject site. These are generally detached dwellings on large residential allotments with lot areas varying from 4000sqm – 1ha in size.

The surrounding area contains areas of dense and scattered vegetation, including within the road reserves. Land further south and west of the site is located within the Farming Zone.

PROPOSAL

The proposal seeks to obtain planning permission for a staged multi-lot subdivision and the removal of native vegetation (refer Attachment 1). Specifically, this entails:

Stage 1: Located in the north-west corner of the site, Stage 1 entails the creation of Lots 1-5, each a minimum of 2000sqm and are generally rectangular in shape. Lot 2-5 are proposed to be accessed via Mill Road, with Lot 1 accessed from Curry Road. Building exclusion zones are proposed for the rear of these lots seeking to protect the creek from inappropriate buildings and works.

Stage 2: The creation of Lots 6-10 is proposed for Stage 2 which is located on the south-west corner of the site. Lots 6-10 are proposed to be accessed from Mill Road with matching building exclusion zones to the rear of the lots

38-50 MILL ROAD KILMORE PLP003/18 - STAGED MULTI-LOT SUBDIVISION AND THE REMOVAL OF NATIVE VEGETATION (CONT.)

seeking to protect the creek from inappropriate buildings and works. The lots are generally rectangular in shape with lot sizes above 2000sqm.

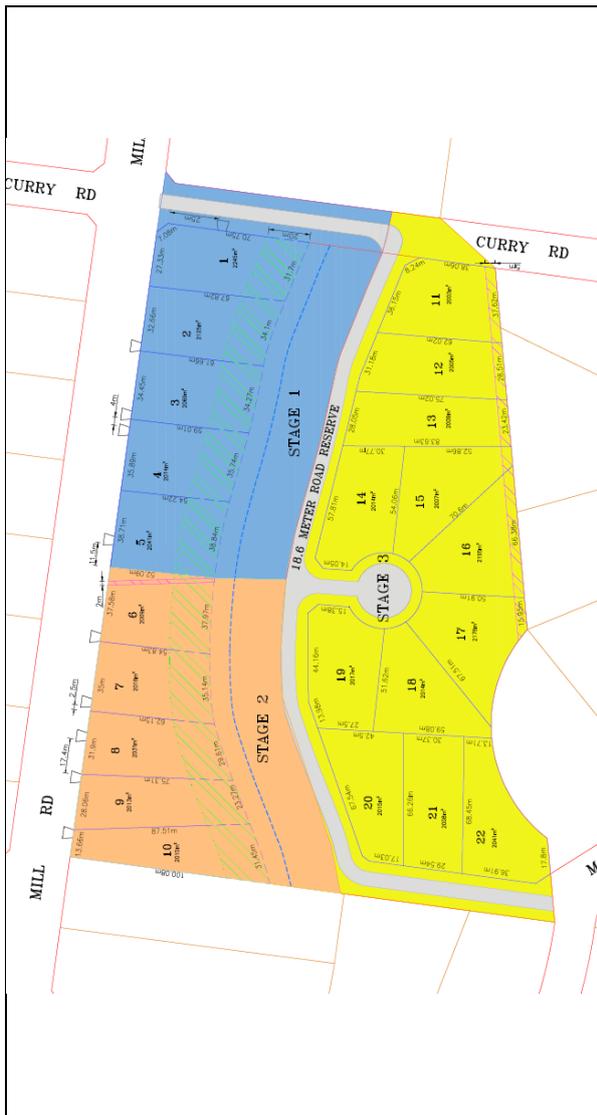
Stage 3: Stage 3 is proposed to encompass the balance of the site with lots 11-22. These lots are proposed to be accessed via a road from Curry Road, which proposes to traverse centrally through the site including a court bowl before connecting to Morris Court. Each lot is a minimum of 2000sqm. An easement is proposed to abut the rear of Lots 11 - 13, and 15-17.

A central reserve is proposed to traverse the subject site from north to south, which follows the existing drainage line. This area is set aside for a reserve and falls within the Stage 1 and Stage 2 areas.

The proposal includes the removal of 0.737ha of remnant native vegetation, including one large tree. This includes vegetation from within the road reserve adjoining Mill Road to facilitate access to the proposed lots, and centrally to site between the western property boundary and the drainage line as a result of the creation of the lots.

Some of this vegetation has been removed prior to the lodgement of this application (and has been considered as part of the planning enforcement matter PLE00892/17 referenced in the foregoing).

38-50 MILL ROAD KILMORE PLP003/18 - STAGED MULTI-LOT SUBDIVISION AND THE REMOVAL OF NATIVE VEGETATION (CONT.)



(Plan of subdivision for 38-50 Mill Road, Kilmore).

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 PLP003/18 for the use of the land for a staged multi-lot subdivision and the removal of native vegetation at 38-50 Mill Road, Kilmore.

6.3 PLANNING PERMIT APPLICATION PLP129/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF AN OFFICE BUILDING, 2-LOT RE-SUBDIVISION, REDUCTION OF CAR PARKING REQUIREMENTS AND ALTERATION OF ACCESS TO A ROAD ZONE - CATEGORY 1 AT 63 HIGH STREET BROADFORD

Author: Holly Sawyer - Senior Statutory Planner

File No: PLP129/18

Attachments: Nil

Property No.:	114967
Title Details:	Lots 1 and 2 on Title Plan 371602K Volume 06635 Folio 958
Applicant:	Archedge Design
Zoning:	Commercial 1 Zone
Overlays:	None
Objections Received:	Five objections received
Cultural Heritage Management Plan Required:	No, the site is not located within an area of Aboriginal cultural heritage 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

SITE MAP



SUMMARY

The application is seeking approval for the development of the land for an office building, a two-lot re-subdivision, reduction of car parking and alterations to access to

PLANNING PERMIT APPLICATION PLP129/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF AN OFFICE BUILDING, 2-LOT RE-SUBDIVISION, REDUCTION OF CAR PARKING REQUIREMENTS AND ALTERATION OF ACCESS TO A ROAD ZONE - CATEGORY 1 AT 63 HIGH STREET BROADFORD (CONT.)

a Road Zone – Category 1. The land is located within the Commercial 1 Zone and not affected by any overlays.

The application was advertised via letters to adjoining landowners and occupiers, with a sign displayed fronting High Street. A total of five objections have been received.

SITE AND SURROUNDS

Subject Site Description

The subject site consists of two rectangular title lots on the northern side of High Street and contains an existing two story, white rendered building. This structure currently contains a Barry Plant real estate office and NAB bank on the ground floor, with the first floor used as a private residence. There is also a detached garage located on the northern side of the existing building and is associated with the residence.

A single crossover is existing which provides access to the High Street service road, although this crossover is currently fenced off from use (despite a number of car bodies being located within the rear yard of the site). Five trees are existing on the site within the rear yard, which are exotic and/or planted.

The subject site contains a land area of approximately 900 square metres, with the topography of the site sloping down to the north and east.



(Aerial view of 63 High Street Broadford)

Surrounding Area

The site located within the commercial precinct of the township of Broadford, on the northern side of High Street. The streetscape contains a mix of built form types and land uses. To the west of the site, there is a building supplies store ('Thrifty Link') and to the east of the site there is a small supermarket, with a range of smaller cafes and other shops along the length of High Street.

Along with a range of land uses, the street also contains a mix of building heights and designs. The existing two storey structure on the subject site is an inter-war style,

PLANNING PERMIT APPLICATION PLP129/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF AN OFFICE BUILDING, 2-LOT RE-SUBDIVISION, REDUCTION OF CAR PARKING REQUIREMENTS AND ALTERATION OF ACCESS TO A ROAD ZONE - CATEGORY 1 AT 63 HIGH STREET BROADFORD (CONT.)

although immediately adjoining lots appear to be later constructions. This mix of construction styles has resulted in an undefined character.

PROPOSAL

The application seeks approval for the buildings and works to construct an office to the eastern side of the existing structure, within the driveway. This construction will result in the removal of stairs leading to the existing residence of the first floor of the existing building. Therefore, the application also proposes to decommission the upper floor dwelling and reduce all car parking on the site to zero.

The proposed office will consist of a 5.17m wide and 23.52m long structure within the existing driveway of the site. The proposed building will contain a maximum building height of 4.2 metres, with a flat roof. Building materials will include cream render finish to the wall fronting High Street, black/grey brickwork to the rear and side walls, and cream fascia and downpipes.

The proposed office is to contain a reception area at the High Street end of the structure, with three office rooms, a meeting room and a kitchen and toilet. Skylights are proposed to provide light to the internal rooms. A small courtyard is proposed on the northern side of the office and will measure 4 metres in length and 5.17 metres in width. A 6m³ shed is also proposed within the courtyard for storage purposes, with the courtyard to be surrounded on the northern and eastern sides by a 2m high fence. No signage is proposed as part of this application.

As a result of the proposed building, the access to the first-floor dwelling is proposed to be removed. Further to the removal of the stairway, the rear of the existing building (the bathroom and laundry) are also proposed to be demolished as they will no longer be required to support the first-floor dwelling. Two existing trees on the south side of the existing garage will be removed, which do not require planning approval. The existing crossover will also be decommissioned, and footpath reinstated to the satisfaction of VicRoads.

The application is also seeking to re-subdivide the land. The proposed subdivision is seeking to retain the two title lots, although an area of common property will be added to the site for bin storage purposes. The proposed subdivision will result in a lot containing the proposed office and courtyard area, with the balance of the land (including the existing two storey structure) to be held within the other lot.

Further to the above, the proposed buildings and works will result in a total reduction of car parking spaces within the subject boundaries. Therefore, the application is also seeking approval for a reduction of car parking requirements (9 spaces).

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.

PLANNING PERMIT APPLICATION PLP129/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF AN OFFICE BUILDING, 2-LOT RE-SUBDIVISION, REDUCTION OF CAR PARKING REQUIREMENTS AND ALTERATION OF ACCESS TO A ROAD ZONE - CATEGORY 1 AT 63 HIGH STREET BROADFORD (CONT.)

RECOMMENDATION

THAT Council officers provide a report to Council in relation to Planning Application PLP129/18 for the buildings and works for the construction of an office building, 2-lot re-subdivision, reduction of car parking requirements and alteration to access to a Road Zone – Category 1 at 63 High Street, Broadford.

6.4 PLANNING PERMIT APPLICATION PLP360/17 FOR A TWO LOT SUBDIVISION (DWELLING EXCISION) AT 40 WOODLANDS PLACE UPPER PLENTY

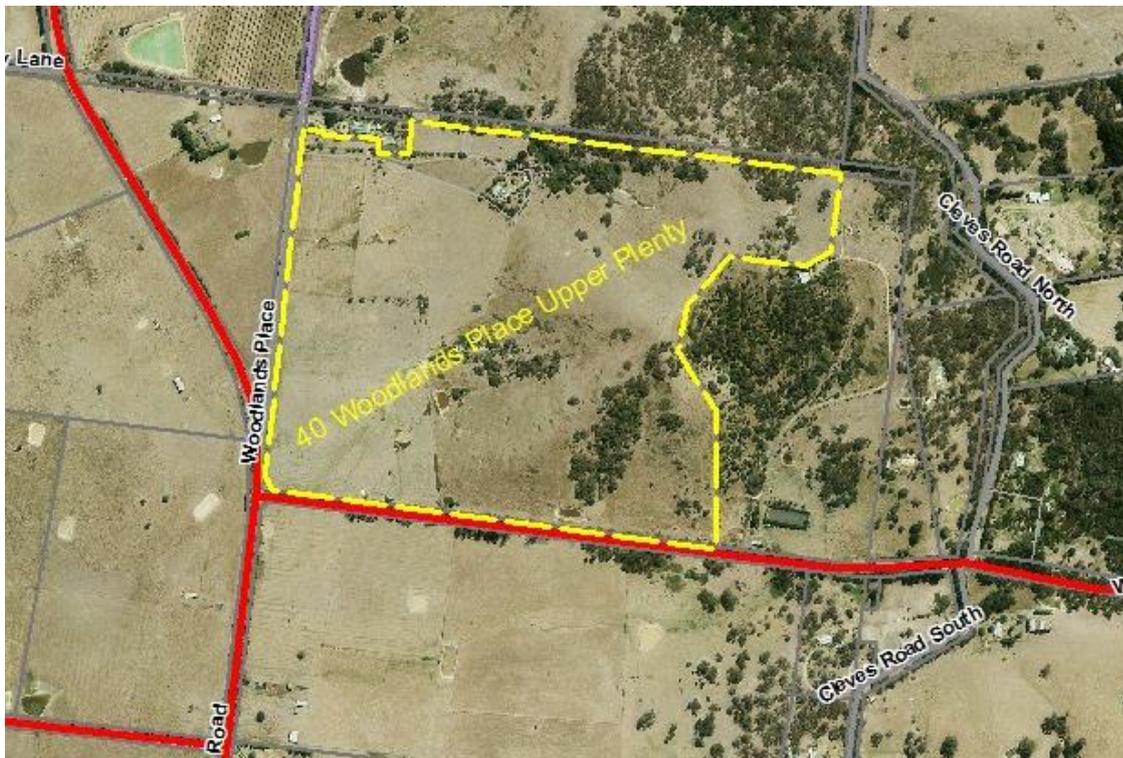
Author: Mathew Mertuszka - Principal Planner

File No: PLP360/17

Attachments: Nil

Property No.:	109272
Title Details:	Lot 1 on Title Plan 949012N
Applicant:	T&C Developments
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay Erosion Management Overlay
Objections Received:	No Objections have been received
Cultural Heritage Management Plan Required:	No, not in 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 PLP360/17 FOR A TWO LOT SUBDIVISION (DWELLING EXCISION) AT 40 WOODLANDS PLACE UPPER PLENTY (CONT.)

SUMMARY

Council has received an application for a two lot subdivision of the land (dwelling excision) at 40 Woodlands Place, Upper Plenty. The proposal seeks to create one small lot being 2.08 hectares, containing an existing dwelling, and a larger balance lot being 44.61 hectares.

The land is located within the Farming Zone and is affected by the Bushfire Management Overlay and the Erosion Management Overlay.

The application was advertised by letter to surrounding properties. No objections were received.

SITE AND SURROUNDS

Subject Site Description

The subject land is legally described as Lot 1 on Title Plan 949012N and is located at 40 Woodlands Place in Upper Plenty. The land currently contains a single dwelling located within the northern portion of the irregularly shaped lot, having a land area of approximately 46.6 hectares.

The land mostly flat to the west and becomes undulating to the east. Scattered vegetation can be found throughout the site but is mainly confined to the site's perimeter, domestic zone and several remnant patches scattered near the more undulating parts of the property.

A watercourse traverses the northern portion of the site and terminates near the existing dwelling. Several dams are scattered throughout the property. The applicant has described the land being used for mixed animal grazing.

Surrounding Area

The subject site is located in a rural area approximately 4 kilometres to the east of Wallan. The topography in this area is mostly undulating and heavily vegetated particularly to the north and east where large rural land holdings dominate the landscape, often containing single dwellings and small scale agricultural pursuits.

Land to the west of the subject site is flatter and cleared but also consists of a number of larger land holdings. Land further to the west is included within the urban growth boundary and will be subject to the preparation of a Wallan East Precinct Structure Plan. However, it is not envisaged at this time that any work will be undertaken to reconsider the zoning of the subject site.

The site is well serviced by sealed arterial roads connecting Wandong-Wallan-Whittlesea and Epping as an alternative to the Hume Freeway.

PROPOSAL

Proposed Lot 1 will contain a dwelling (and associated outbuildings) and has an area of approximately 2.08 hectares, irregular in shape and located at the north west portion of the current lot. Lot 1 will utilize the exiting crossover from Woodlands Place.

Proposed Lot 2 has an area of approximately 44.61 hectares. An indicative building and effluent envelope are proposed on the western portion of the land covering an area

PLANNING PERMIT APPLICATION PLP360/17 FOR A TWO LOT SUBDIVISION (DWELLING EXCISION) AT 40 WOODLANDS PLACE UPPER PLENTY (CONT.)

of approximately 5.3 hectares. The building envelope is setback 20m from Woodlands Place and 100m from Wallan Whittlesea Road.



Figure 1: Proposed subdivision layout

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 PLP360/17 for a 2 Lot Subdivision (Dwelling Excision) at Lot 1 on Title Plan 949012N, known as 40 Woodlands Place, Upper Plenty.

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 Tuesday 12 March 2019 at Mitchell Civic Centre, 113 High St, Broadford.

11 CLOSE OF MEETING