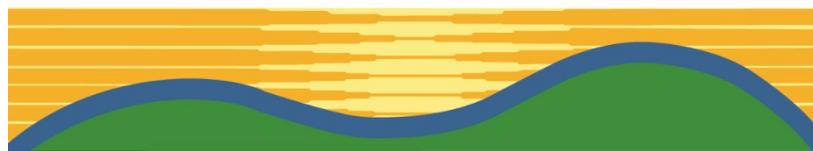


MITCHELL SHIRE COUNCIL



COMMUNITY QUESTIONS AND HEARINGS COMMITTEE

AGENDA

TUESDAY 10 MARCH 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 **Tuesday 10 March 2020** 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 10 February 2020, as circulated, be confirmed.

5 ADVOCACY AND COMMUNITY SERVICES

5.1 BROADFORD STATE MOTORCYCLE SPORTS COMPLEX - EXPANSION FEASIBILITY STUDY

Author: Chris Cheal - Economic Development Coordinator

File No: EC/10/002

Attachments: Nil

SUMMARY

A feasibility study has been prepared on the potential to expand the Broadford State Motorcycle Sports Complex including any associated developments with any expansion and the impacts it would have economically on Broadford and Mitchell Shire. Following community and stakeholder consultation in October 2019, the report has been updated and provides an overview of the completed expansion feasibility study and the results of the public and stakeholder consultation that took place in 2019 and reaches several conclusions.

RECOMMENDATION

THAT Council officers provide a report to a future Council meeting in relation to the findings and recommendations of the Broadford State Motorcycle Sports Complex – Expansion Feasibility Study, Masterplan, and Consultation Findings Summary Report.

BACKGROUND

State Motorcycle Sports Complex History

The State Motorcycle Sports Complex (SMSC) is one of three major motorcycling facilities in Victoria. In the early 1970s, Motorcycling Victoria purchased land on 260 Strath Creek Road, which has since become the State Motorcycle Sports Complex.

Various types of motorcycling, car activities and events are currently held at the SMSC. The complex is home to a number of motorcycling clubs and regularly attracts large competitor and spectator numbers, which can exceed 4000 people at any one event. The SMSC is a visitor attraction for Broadford and the wider region.

Motorcycling Victoria now owns 163.51 ha across eight parcels of adjoining land – principally at 260, 280 and 420 Strath Creek Road. The core of MV's ownership (ca. 77.05 ha) is developed as the SMSC; while there are additional land holdings to the east (ca. 71.81 ha) and to the west (ca. 14.65 ha).

Visions and Aspirations

Motorcycling Victoria (MV) has identified its vision for Broadford to become the recognised home of motorsports in Victoria, as well as being a stand out national facility, by expanding the State Motorcycle Sports Complex to attract a larger and more diverse range of activities and events, which has the potential to bring more jobs, businesses and visitors to the site and the wider region. MV's Board have been consulted and kept updated throughout the process and are expected to formally

BROADFORD STATE MOTORCYCLE SPORTS COMPLEX - EXPANSION FEASIBILITY STUDY (CONT.)

endorse the report and its findings and recommendations at their upcoming monthly Board meeting.

The Mitchell Shire Council Economic Development Strategy 2016 includes strategies and actions to support initiatives that can help Broadford township to further leverage opportunities from the presence of the Broadford SMSC.

The State Government has spoken of its support for the SMSC and the catalytic economic development and tourism opportunities that its expansion could have for Broadford.

Feasibility Study Project

Reflecting these aspirations, Mitchell Shire Council, Motorcycling Victoria and Regional Development Victoria have jointly funded the preparation of the feasibility study into the potential expansion of the Broadford SMSC (Attachment 1).

The purpose of the study has been to investigate the expansion of SMSC operations, with the wider aim of attracting more visitors, supporting complementary development, and boosting the local economy. This has involved identifying and examining potential options for the expansion of the SMSC and consider the implications for future layout and servicing.

The study has also examined the potential role that neighbouring sites could play in helping to contribute to the cost of delivering enabling infrastructure for the SMSC. This has included consideration of the role of the nearby 51 ha Council owned land at 110 Strath Creek Road.

An assessment of the economic benefits that would occur for Broadford, Mitchell Shire, and the wider region and Victoria with expansion of the SMSC has also been undertaken as part of this piece of work.

The preparation of the study has been overseen by a Project Steering Committee; the membership of which includes the three Central Ward Councillors, three Council officers, two representatives of Motorcycling Victoria and a community representative (who was selected following a publicly advertised nomination process).

ISSUES AND DISCUSSION

Overview and Scope

The feasibility study has reviewed the existing operations of the SMSC and considered a range of factors affecting the current and future feasibility of the operations of the SMSC. Some of the key issues considered include:

- the current planning regime governing use and development of the site (including the land use zoning, overlays and approved planning permits),
- the type and quality of existing tracks and associated facilities within the Complex,
- the type and frequency of activities and events that currently take place at the site,
- the future potential and demand for additional activity at the SMSC,
- the condition, topography and general suitability of directly adjoining sites for potential expansion of the SMSC, and

BROADFORD STATE MOTORCYCLE SPORTS COMPLEX - EXPANSION FEASIBILITY STUDY (CONT.)

- the views of the local community as well as other information from other stakeholders including the business community, utilities companies, and other relevant agencies and authorities.

Existing situation and future opportunities

A key finding of the analysis is that there are both operational and physical constraints that currently limit the ability of the SMSC to achieve its full potential.

These constraints compromise the ability of the facility to both generate sufficient revenues to enable Motorcycling Victoria to reinvest in the venue and maintain and upgrade its facilities, including (but not limited to) dams, track side buildings and pit sheds, time keeper's viewing towers, spectator facilities, toilet and shower blocks, camping facilities, solar energy generation and fire-fighting systems. The constraints also limit the frequency and number of activities and events that can be hosted at the Complex and the degree to which the Complex can attract visitors and tourists to Broadford and the wider region.

The use of the SMSC as a motor racing track is currently restricted by conditions set out in Schedule 2 to the Special Use Zone. This planning control is restrictive in the types of non-motorsports related uses which could occur on the site. For example, events which are not for the purpose of motorsports are prohibited. As a result of this prohibition, Motorcycling Victoria has had to decline several requests from event managers to hire the space.

The Special Use Zone (SUZ) sets out maximum decibel limits and the days and hours that the use may occur. Most notably, the conditions state that no motorcycles or other vehicles may be raced or operated on the land before 9am or after 6pm on any permitted day; nor on Tuesdays or Wednesdays; nor on at least one weekend per month. The SUZ further states that the complex must be closed for a period of four weeks over the Christmas – New Year period.

A planning permit and a related VCAT review in 2008 provided for a variation in the days of use of the SMSC's sealed Road Racing Track, which effectively allows certain activities to occur on Tuesdays and Wednesdays (i.e. motor vehicle and motorcycle education, promotion and testing; but not competitive racing, competitive training or other events) provided that the vehicles being used meet certain Australian Design Rules – which are generally consistent with those rules governing passenger vehicles and motorbikes that are allowed to be registered for use on a public road.

The SUZ also restricts the types of uses that are allowed within the Complex. In particular, the following uses are all included within the list of prohibited uses: industry, office, place of assembly, retail premises (other than a market, primary produce sales, restaurant and take away food premises), service station, and warehouse. This eliminates the opportunity for any such uses and prevents Motorcycling Victoria from introducing even small areas of such uses and consequently from accessing a potential source of revenue that could be reinvested in the facilities on the site.

Physical constraints: the principal constraints are that existing facilities are inadequate to attract more frequent and potentially larger events. This relates to both the quality of existing facilities, but also the current 2.1 km road race circuit is not long enough to attract certain types of events such as national level competitions and events. As well as enabling the SMSC complex to host a wider range of events, including national

BROADFORD STATE MOTORCYCLE SPORTS COMPLEX - EXPANSION FEASIBILITY STUDY (CONT.)

standard events, a longer track or a second track would also enable the SMSC to run concurrent events and increase its overall revenue generating capacity.

As such, Motorcycling Victoria's ability to generate revenues from the overall venue is restricted.

In summary, there are two key changes that could help to facilitate expansion of the SMSC.

- a) Changes to the operational conditions related to noise emissions, either:
 - i) Allowing more operating days overall but fewer days at the current allowed maximum noise emission limits, or
 - ii) Allowing more operating days overall at the current maximum noise emission decibel limit of 95 dB(A).

- b) Construction of additional road race circuit capacity, either:
 - i) Extending the existing 2.1km road race circuit to between 3.2km and 3.5km to the west (but still including the ability to run the shorter 2.1km loop) – either by utilising Motorcycling Victoria's existing land holdings or by utilising approximately 20 ha of land (which is currently privately owned) to the immediate west of the existing road race circuit, or
 - ii) Constructing a new 3.2 to 3.5 km road race circuit largely or entirely outside of the existing boundaries of the SMSC by utilising a larger area of land to the south of the existing SMSC which is currently privately owned.

Expansion Options Development and Testing

The feasibility study initially examined and tested four different options prior to consultation. These include a no change or business as usual option (Option 1) and three further 'expansion' options involving varying combinations of the above noted changes (Options 2 – 4).

Following the consultation process held in October 2019, and receipt of a submission which suggested an alternative route for the potential road race circuit track extension, a fifth option was introduced and has also been subsequently analysed. This fifth option – known as Option 4B – is very similar to the initial Option 4 but would involve Motorcycling Victoria seeking to purchase approximately 20ha of private land for the track extension rather than relying on their own land holdings (as per the original Option 4; now renamed Option 4A).

The options are summarised in the below table:

BROADFORD STATE MOTORCYCLE SPORTS COMPLEX - EXPANSION FEASIBILITY STUDY (CONT.)

Option No:	Operational Days	New Road Race Circuit Track?	Total Cost	Cost Benefit Ratio (CBR)	Local Jobs
Option 1	No change – Maintain 315 days - 218 days @ 95 dB(A) - 96 days @ ADR level Christmas shutdown maintained	No. Maintain existing road race circuit; minimal adjustments.	\$3.01 Million (while this is a no change option; there would be costs for facility upgrades)	n/a – Business as usual; no substantial investment.	No significant construction 29 operational phase jobs
Option 2	Increase to 335 days - 150 days @ 95 dB(A) - 185 days @ ADR level - Removal of noise free weekends - Up to 5 twilight sessions ¹ per annum (p.a.) Christmas shutdown maintained	Yes; 2 nd track 3.5km long Land acquisition required (45 ha)	\$26.51 Million	0.673	141 construction phase jobs 82 operational phase jobs
Option 3	Increase to 346 days - 346 days @ 95 dB(A) - Removal of noise free weekends - Up to 10 twilight sessions ¹ p.a. Christmas shutdown maintained	Yes; 2 nd track 3.5km long Land acquisition required (45 ha)	\$27.57 Million	0.846	147 construction phase jobs 84 operational phase jobs

BROADFORD STATE MOTORCYCLE SPORTS COMPLEX - EXPANSION FEASIBILITY STUDY (CONT.)

Option 4A	<p>Increase to 335 days</p> <ul style="list-style-type: none"> - Up to 150 days at up to 95 dB(A) overall - Up to 100 days at up to 95 dB(A) for speedway & dirt track - Up to 75 days at up to 95db(A) at Motocross track - Up to 185 days @ ADR level - Removal of noise free weekends - Up to 10 twilight sessions¹ p.a. <p>Christmas shutdown maintained</p>	Modify existing track to create a 3.2km to 3.5 km road race circuit with two internal loop circuits	\$8.465 Million	1.721	52 construction phase jobs 59 operational phase jobs
Option 4B	Same as Option 4A	<p>Modify existing track to create a 3.2km to 3.5 km road race circuit with two internal loop circuits</p> <p>ca. 20 ha land acquisition required</p>	\$8.03 M	1.859	46 construction phase jobs 72 operational phase jobs

¹ Twilight sessions would only be held during daylight savings time and would extend the currently required closing time of 6pm by 3 hours to 9pm to cater for track operations, with lights off and facility closure required by 10pm.

Options Analysis Conclusions and Study Outcome

The final Expansion Feasibility Report has concluded that Option 4B offers the most desirable 'end point' for any expansion in that it allows for an overall increase in operating days but with a tightening of the number of days allowed at the higher noise level; while also offering the best cost benefit ratio. A further benefit of Option 4B, compared to the initially tested Option 4A, is that it locates the proposed track extension onto an area of land largely used for grazing and avoids the need to clear a large number of trees on Motorcycling Victoria's existing land holdings.

All options would envisage some kind of upgrade of existing facilities; but the degree to, and speed at, which Motorcycling Victoria is able to re-invest in and upgrade the

BROADFORD STATE MOTORCYCLE SPORTS COMPLEX - EXPANSION FEASIBILITY STUDY (CONT.)

existing facilities is likely to be affected by the degree to which the SMSC is able to generate surplus revenues.

The study has included a high-level masterplan diagram and an accompanying set of implementation actions to guide Motorcycle Victoria and Mitchell Shire Council in taking the next steps.

The study has also recommended other changes to the planning regime. The most significant of these is to provide scope for a greater range of uses to occur within the site (as governed by the SUZ but still subject to the requirement for a planning permit application and in accordance with conditions), including 'place of assembly' event-type uses including capacity to host non-motorsport related events (e.g. cycling, cross country foot races, other sporting events, place of assembly-type uses) and potential for a limited amount of office, retail, warehousing and industrial uses.

The feasibility study has suggested that other types of development could happen including development of the adjacent Council land (e.g. for light industrial type uses) and also development of camping facilities could be undertaken in alignment with a potential expansion of the SMSC. However, the report states that these developments need not necessarily occur at the same time.

Broadford Structure Plan

The drafting of the feasibility study has also taken the current exercise to prepare a Broadford Structure Plan into consideration. The Broadford Structure Plan is following a separate process and has completed the Emerging Options stage; and is now progressing towards the development of a draft Structure Plan. It has been noted that the future Structure Plan, once it is adopted, is likely to support an increase in the population of the town and with it the need to plan for an increase in the number of jobs available locally.

While the Structure Plan is likely to confirm the Hume Freeway as the town's eastern boundary in terms of residential subdivision and development, the plan is also examining the potential for supporting employment-related land uses to the east of the freeway in the vicinity of Strath Creek Road and Industrial Lane. To that end, the potential expansion of the SMSC and the potential for additional commercial development on adjoining sites would be useful for helping to support the creation of jobs which could be taken up by existing and future residents of Broadford.

CONSULTATION

Background and Consultation Process

As part of this expansion feasibility study process, Mitchell Shire Council (together with Motorcycling Victoria) has undertaken extensive stakeholder and community engagement. A local community member was also appointed to the Project Steering Committee (via a publicly advertised nomination process), which also comprised the three elected Central ward Councillors, two representatives of Motorcycling Victoria, and Council officers.

The initial stages of consultation included preliminary research including meetings with selected adjacent and nearby property owners and industry analysis.

Following the preliminary analysis and completion of a '*Draft for Consultation*' report, a four-week consultation process was conducted in October 2019. The purpose of this

BROADFORD STATE MOTORCYCLE SPORTS COMPLEX - EXPANSION FEASIBILITY STUDY (CONT.)

was to allow for engagement with property owners, businesses and the wider community. The clubs which form the membership of Motorcycling Victoria and the principal users of the SMSC were also notified by Motorcycle Victoria and were provided with an opportunity to express their views.

The '*Draft for Consultation*' version of the study report was made available to the community and other relevant stakeholders (e.g. relevant utilities, government agencies and authorities, etc.), alongside other materials including a six-page summary information sheet and an on-line survey.

Relevant stakeholders were engaged, including but not limited to:

- The Broadford community and other community members that live or own property in the surrounding area
- The wider Mitchell Shire community
- Local businesses
- Member motorcycle clubs of Motorcycling Victoria
- Adjoining and adjacent landowners
- Relevant community groups, government departments and agencies and utility companies
- Potential investors and other funding sources

The main report and six-page summary information sheet both included a recommendation to adopt Option 4 on the basis that it offered the highest ratio of benefits to cost (CBR) or best return on investment.

Background and Consultation Process

The main findings of the consultation report have been compiled and presented in a Consultation Findings Summary Report (Attachment 2). The Report will be available publicly.

The consultation process resulted in a range of responses including 91 survey responses, 34 attendees to community listening posts, five attendees at a business discussion workshop, 14 written submissions from local residents and relevant agencies and authorities, and various discussions with stakeholders throughout the consultation period (Attachment 3).

The engagement process, in particular the survey results, indicated that users of the Broadford SMSC were strongly supportive of expansion – with support evident for Options 2 and 3 in particular; but also, for Option 4. However, a clear majority of survey respondents who lived locally (27 in total) also gave their support to the expansion of the complex, removal of noise free weekends, and introduction of a limited number of twilight sessions (which would involve extending the venue's finishing time from 6pm to 9pm (and with 'lights out' by 10pm) on up to 10 evenings per year during day lights savings).

A number of residents – most of who live to the north of the Complex and east of the Hume Freeway – engaged with the process at community listening posts and by submitting written representations (or by putting their name to a collective written submission) stating their opposition to expansion. Their objections were principally on the grounds of existing noise disturbance, as well as other amenity impacts such as air quality and dust, from the Complex and their concern that expansion would lead to further and greater adverse impacts of this nature. In total, three written submissions

BROADFORD STATE MOTORCYCLE SPORTS COMPLEX - EXPANSION FEASIBILITY STUDY (CONT.)

of objection were received; with one letter signed by 20 co-signatories representing 13 households in total. The second objection letter came from one of the co-signatory households. The third objection stated that they would object if any of the options would involve an extension of the planning controls, in particularly DPO6, onto the submitter's properties (which is not a recommendation of the study).

A submission was also received from a private landowner located to the south; which was generally supportive of expansion but suggested alternations to Option 4 as it was presented in the Draft for Consultation version to avoid the treed area on MV's existing owned western parcel of land.

The engagement process also elicited a small number of business respondees, including a motorsport-related company, who were keen to see provision made for industrial land as part of any future land use changes and facility expansion.

Several utilities, public authorities and agencies also provided input into the consultation process; confirming that they saw no fundamental impediments to expansion and also noting any functional or regulatory requirements that they would see as necessary or requiring consideration in relation to their respective responsibilities.

Implications of Consultation Findings for Study

Following consultation, the Expansion Feasibility Study was updated to reflect the outcomes of the engagement exercise in the following ways:

- An alternative site for the track extension was considered and analysed under a new fifth option named Option 4B
 - i) This option avoids the need for significant tree removal on MV-owned which would have been required by the previously considered Option 4
 - ii) This option would require the acquisition by Motorcycling Victoria of approximately 20 ha of currently privately-owned land
- The recommendations of the report in relation to operational days and noise were tightened further for Options 4A and 4B in a way that further reduces the ceiling on the number of allowable days at up to 95dB(A) at two of the main track / circuit facilities on the site, namely:
 - i) no more than 100 days at up to 95dB at the Speedway and dirt track
 - ii) no more than 75 days at up to 95dB at the Motocross track[And no more than 150 days in total across the rest of the site, including at the Road Race Circuit.]
- Additional capital costs items were accounted for in relation to transport and access and water in order to take account of submissions from relevant authorities.
- Various changes and updates were made to the Implementation Sequencing Plan in the report as a result of advice received from relevant agencies and authorities.

It should be noted that expansion of the complex under Option 4B (or Option 4A) would require changes to the existing planning regime and permission, including a full Planning Scheme Amendment process and planning application process, both of which would involve statutory notification requirements and through which there will be

BROADFORD STATE MOTORCYCLE SPORTS COMPLEX - EXPANSION FEASIBILITY STUDY (CONT.)

further consultation, including opportunities for the community to participate through the usual statutory processes.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

The project has been completed within the budget and resources allocated for the project. There are no financial implications for Mitchell Shire Council associated with the recommendations of this report outside of that which has already been budgeted for.

POLICY AND LEGISLATIVE IMPLICATIONS

The Mitchell Shire Council Economic Development Strategy 2016 includes strategies and actions to undertake initiatives that enable Broadford township to further leverage opportunities from the presence of the Broadford SMSC.

There are no other policy or legislative implications associated with the recommendations of this report.

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?
There is a risk that some members of the local community will feel that their concerns, expressed during the consultation process, have not been listened to.	Medium	Allow opportunities for stakeholders to engage one on one with Council officers where warranted. Ensure residents are aware that this study is only a feasibility study and that any buildings or works required to enable expansion or changes to existing noise controls would still require changes to the existing planning controls (through either a planning scheme amendment or planning permit process) which would require further statutory consultation with local residents.	Yes, a portion of the project budget has been allocated to allow for community consultation.
That, as the study is a three-way partnership, the community might be of the belief that decisions to support	Medium	A report will be provided to Council on the stakeholder engagement process and the outcome.	Yes.

BROADFORD STATE MOTORCYCLE SPORTS COMPLEX - EXPANSION FEASIBILITY STUDY (CONT.)

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
the expansion have already been made.			
If the findings and recommendations of the Study cannot be acted upon; that the SMSC will face a situation of (i) aging facilities and insufficient funds to maintain or renew complex and may become unsustainable; and that (ii) there will be an underutilisation of the facility for the purpose of generating economic activity including jobs for local residents.	High	To assist MV to act on the findings and recommendations of the report, as appropriate, and to assist in advocating to state government for appropriate funding.	Yes

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

Mitchell Shire’s interest in exploring and testing the feasibility of a potential expansion of SMSC has been related to its aspiration for the SMSC to continue to act not only as a sports complex and facility but also as an economic generator for Broadford and the wider shire.

If expansion of the SMSC is to proceed, it is likely to contribute towards supporting increased employment – both during construction phase (including improvements to existing facilities plus new facilities) and once the expanded facilities become operational. This is also likely to support jobs off site as well, in the local economy and local businesses.

In terms of environmental implications, the land identified within the feasibility study under Option 4B for the extension of the existing track is currently zoned for farming (meaning that a planning scheme amendment would be required) and is largely covered in grass and used for grazing.

Any future buildings and works associated with upgrade or expansion of the SMSC would also be subject to a full planning permit application process, which would examine environmental implications (e.g. native vegetation, noise emissions, etc.) in accordance with the existing zoning and overlay provisions on the site.

BROADFORD STATE MOTORCYCLE SPORTS COMPLEX - EXPANSION FEASIBILITY STUDY (CONT.)

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

Motorcycling Victoria has an active program of activities and events, many of which are aimed at engaging young people in motorcycling, motorsport and cycling activities. Expansion of the complex would be likely to further enable Motorcycling Victoria to run activities and events that appeal to people of all ages, including young people.

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

A feasibility study has been completed regarding the potential to expand the Broadford State Motorcycling Sports Complex including associated developments with any expansion and the impacts it would have economically on Broadford and Mitchell Shire.

The study has examined five options and identified a preferred and recommended way forward (Option 4B) involving a more modest expansion proposal, but which would nevertheless be likely to support increased employment in the local region as a result.

It is now recommended within the study that Motorcycling Victoria seek to proceed with Option 4B as the most viable option and that Council endorse the findings of the expansion feasibility study, including all of the recommended implementation actions which would include numerous further actions in accordance with all relevant legislation.

5.2 PYALONG PINE PLANTATION RECREATION RESERVE

Author: Bryan McCarthy - Emergency Management and Recovery Coordinator
Sally MacDonald - Community Development Officer

File No: CR/01/083

Attachments: Nil

SUMMARY

This report is in response to requests from members of the Pyalong community concerned about the potential fire risk of vegetation (pine plantation) on the southern side of the Pyalong Recreation Reserve, situated on West Road, Pyalong.

Members of the community are concerned that the pine trees present a fire risk to their community and the Pyalong Primary School requesting Council undertake a fire risk assessment and reduction in the vegetation (removal of the pine trees) to reduce the threat to their community.

Country Fire Authority (CFA) conducted a fire risk assessment, which determined that removal of the pine trees is not necessary. However, work can be done to reduce ground level fuel and that will minimise the risk the pine trees may create.

This report outlines the actions taken to assess the fire risk and options to address the perceived fire risk of vegetation (pine plantation) at the Pyalong Recreation Reserve with the preferred option to reduce ground level fuel.

RECOMMENDATION

THAT Council officers provide a report to a future Council meeting in relation to the Pyalong Pine Plantation Recreation Reserve.

BACKGROUND

There is a substantial plantation of mature pine trees (approximately 291 trees) located along West Road and Northern Highway frontage of the Pyalong Recreation Reserve. In addition to the pines, there are a small number of Indigenous trees scattered throughout the plantation.

Residential housing and the Pyalong Primary School are located directly across from the Reserve on West Road, with the Pyalong township principally spread to the south and east of the reserve.

The plantation has long been perceived by the community as a bushfire risk, with the reserve's proximity to the school and houses, and its status as a Neighbourhood Safer Place – Bushfire Place of Last Resort frequently cited as a compounding concern.

In 2019, the community's concern while long standing, was formally captured via the Place-Based community planning pilot project. As part of the community facilitation element of this project, an internal working group was convened to investigate the

PYALONG PINE PLANTATION RECREATION RESERVE (CONT.)

bushfire risk and explore cost options to mitigate any identified risk and redress community concerns.

ISSUES AND DISCUSSION

To ensure there is a sound understanding of the bushfire risk, it is important to assess the relative probability and scale of risk posed by this site and the type of vegetation on it.

Council has not previously undertaken this detailed level of bushfire risk assessment on a Council reserve and sourced qualified experts were consulted to assess and provide advice.

Two key inputs have informed the costings and recommendation detailed in this report:

- CFA fire behaviour modelling and fuel load assessment.
- A detailed, onsite assessment from a qualified arborist to cost a range of options, including some ground level fuel load clearing and uplifting regime, through to a complete removal program.

CONSULTATION

Community

While there hasn't been a formal consultation process related to the pine plantation, community engagement throughout the Place-Based community planning pilot provides a clear indication that there is community concern that the vegetation presents a significant bushfire risk. This input has come directly from the reserve Committee of Management and user groups, the primary school community and local residents. As noted above, concerns regarding the vegetation have long been expressed by the community, with Place-Based planning project pilot engagement activity serving to test and affirm the extent of community concern.

Internal

The convened working group comprised input from the following program and operational areas:

- Emergency Management
- Fire Prevention
- Recreation and Open Space
- Community Development
- Environmental Programs
- Transport and Development (Landscape Planning)

PYALONG PINE PLANTATION RECREATION RESERVE (CONT.)

External and Specialist advice

- Country Fire Authority (CFA)

The CFA conducted a detailed assessment exercise to identify risk and recommended mitigation action.

Key methodology elements of this assessment included:

- A calculation based on the Bushfire Attack Assessment standard tool (also used for assessing Neighbourhood Safer Places – Bushfire Places of Last Resort and Bushfire Attack Levels for construction).
- The vegetation was classified as “Forest”, which equates to a tonnage of 35 tonnes per hectare. It is noted that the plantation is not forest’ therefore was an exceeded classification and provided a worst-case scenario.
- Noted the Pyalong Primary School buildings are over 100 metres from the plantation.
- Modelling included two Fire Danger Index (FDI) scenarios; 100 FDI (Code Red) and 120 FDI (Code Red).
- A fuel load assessment for the reserve utilising a standard overall fuel hazard assessment.
- A desktop fire behaviour modelling exercise.

Key assessment outputs were:

- A fuel load hazard assessment rating of ‘Moderate’.
- ‘Benign’ fire behaviour assessment including a ‘low likelihood’ and ‘low consequence’ from ignition.
- At an FDI of 100, the radiant heat potential at the northern wall of the school building is 3.26 kW/m².
- At an FDI of 120 (Code Red), the radiant heat potential on the northern wall of the school is 5.65 kW/m².

CFA Recommendation:

- CFA recommends to mitigate the identified risk by removal of ground fuels under the pines (i.e. wind fall limbs and understorey plantings); and ‘uplifting’ via removal of pine tree branches up to two metres from ground level.

Conclusion:

- While the plantation vegetation is not without bushfire risk, it can be concluded that the perceived risk is greater than the actual risk.
- The compliance for sheltering in place within a building for a Neighbourhood Safer Place – Bushfire Place of Last Resort is 10 kW/m² or less. Noting, that the school would not be operational on a declared

PYALONG PINE PLANTATION RECREATION RESERVE (CONT.)

Code Red day, it is concluded that the school provides a safe place to shelter during a fire event.

- Complete removal of plantation cannot be justified from a bushfire risk perspective.
- Powercor

An onsite inspection was carried out to check span compliance and to identify any hazardous trees, concluding that there was no need for tree removal works from a power asset protection nor hazard reduction perspective.
- Department of Education (DET)

Summary advice includes:

 - The Pyalong Primary School is ranked as highest risk under the DET regime which triggers a closure during declared Code Red days.
 - Their bushfire risk assessment is based on a range of factors and the proximity of the pine plantation is not a key consideration.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

There are a range of financial, resource and asset management implications associated with proposed work (varying for each option) and it is noted that there is currently no budget allocated.

The working group considered not just the upfront financial implications of the works, but also future financial, resource and asset management implications including:

- The additional investment for complete removal would necessitate including site rehabilitation, revegetation and maintenance costs.
- The comparatively higher fire risk posed by replacement planting of native vegetation.
- The precedent effect of works, including community expectations for other sites within the Shire.
- The potential of these works to undermine/be contrary to Council's efforts to increase tree canopy, and suite of land management and environmental management imperatives.
- If complete plantation removal was decided on, the significant impact on the community in terms of traffic management, site safety and amenity impact during burn off would necessitate extensive forward planning and community consultation.

An assessment was undertaken to determine the potential to harvest removed timber, the Arborist concluding that there is limited potential at best for any commercial level harvesting and although it would be pursued, it should not be considered as a substantial cost offsetting exercise.

Over and above the upfront cost of the works, the following are noted in terms of not yet scoped and costed requirements. Further required inputs include:

1. A comprehensive Arborist assessment to determine the structural integrity and overall health of the trees.

PYALONG PINE PLANTATION RECREATION RESERVE (CONT.)

2. A long-term Tree Management Plan to ensure proper long-term risk management of the asset addressing issues relating to safety, fire risk and tree health.
3. A Weed Management and Revegetation Plan nominating weed management activities and the frequency of weed management activities to be undertaken. This plan will enable the long-term re-establishment of native plant species and improve environmental health.

These inputs will identify both immediate and 'long term' proposed actions to be undertaken. Potential outcomes may include:

1. The potential for 'thinning out' of plantation by removal of some trees posing safety related issues. Rationale for this is to create a 'visual break' i.e. a less dense plantation. Therefore, may slightly reduce the community's concern.
2. The potential for removal of understory and wind-blown tree limbs posing a fire risk. Rationale for this is to minimise ground fuel loads in support of fire mitigation. Therefore, may slightly reduce the community's concern.
3. Identify Council's future operational (maintenance) requirements.

While Council has internal, credentialed expertise to carry out this assessment, it is recommended that assessment is outsourced to avoid any community concerns at a lack of transparency/undue influence to limit removal recommendations.

Costing for the carrying out of works would be the subject of further discussion with Council once proposed assessment and estimates are obtained.

Costs estimates per option

	Works	Cost
Option One	Take no action to reduce ground level fuel or remove pine trees.	\$0.00
	CFA fire risk assessment indicates a low likelihood and low consequence from ignition.	
	Community will continue to perceive the vegetation as a fire risk to their community	
		\$0.00

	Works	Cost
Option Two	Arborist Assessment and Tree Management Plan (for the assessment of 291 trees)	\$15,000 (estimate only)
	Uplift and clean-up of 291 trees as per CFA recommendation	\$24,024

PYALONG PINE PLANTATION RECREATION RESERVE (CONT.)

	Carrying out of critical removal works as determined by Arborist Assessment	Unable to quantify at this stage
	Carrying out of recommendations as determined by the Tree Management Plan relating to any future operational expenditure.	Unable to quantify at this stage
	Corporate overheads i.e. Project Management and Community Engagement	\$ 5,000 (estimate only)
	No ongoing maintenance plan to manage fuel levels and weed management.	\$0.00
		\$44,024 (Plus, further costs to be determined by Arborist Assessment and Tree Management Plan)

	Works	Cost
Option Three	291 trees removed, stump removal and burn	\$105,633 (quote in hand)
	Weed Management and Revegetation Plan. The Plan is likely to consist of the following: <ul style="list-style-type: none"> a. The compilation of detailed landscape plans (estimated at \$10,000). b. Undertaking of weed management activities (estimated at \$15,000). c. The supply and installation of plantings (estimated at \$40,000). d. A 24 month landscape maintenance and defects liability period (\$15,000). 	\$85,000 (estimate only)
	Corporate overheads i.e. Project Management and Community Engagement	\$ 5,000 (estimate only)

PYALONG PINE PLANTATION RECREATION RESERVE (CONT.)

	Ongoing maintenance of this area of the recreation reserve will add approx. \$2,000/annum to the Operations budget.	\$2,000/annum
		\$197,633

POLICY AND LEGISLATIVE IMPLICATIONS

Council has a number of policy and governance obligations and legislative accountabilities that have been considered in producing this report. These include risk and asset management, hazard reduction, emergency management, public open space management, community safety and well-being; and environmental management.

The recommended option delivers an outcome that is fiscally responsible and equitable, that also ensures an appropriate level of risk mitigation.

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?
Bushfire risk to community as assessed by CFA	Medium	Implement CFA recommendation to remove ground level fuel	Not within existing resources. Requires reallocation of funding to implement CFA recommendation.
Community perceive bushfire risk to their community	High	<ul style="list-style-type: none"> Remove all pine trees and rehabilitate and revegetate site (native vegetation higher risk) Wider community consultation 	Not within existing resources. Significant capital investment and project management
Precedence if the plantation is removed - expectation that similar would occur for other communities	High	Removal fuel load instead of trees	Not within existing resources. Requires reallocation of funding

PYALONG PINE PLANTATION RECREATION RESERVE (CONT.)

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Bushfire risk to revegetated site with native trees and shrubs in accordance with Council environmental plans	Medium	Not treatment	Not within existing resources. Requires reallocation of funding for ongoing site management

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)Social

As noted, there is a significant level of community concern regarding the perceived bushfire risk of the pine plantation at the Pyalong Recreation Reserve.

Resolution of this issue provides an opportunity to contribute to sustainable community capacity building, facilitation and participatory budgeting outcomes, which are core objectives of the Place-Based community planning pilot project

Environmental

Targeted fuel load reduction is an important and necessary risk mitigation tool; based on the 'moderate' only level of identified risk complete removal of the vegetation and consequent loss of tree canopy, subsequent site rehabilitation requirements and increased fire risk from replacement vegetation presents a range of sustainability implications.

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

Children and young people were considered in the preparing this report and its determined that the subject matter does not have any explicit implications.

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

It is recommended Council consider Option Two as the appropriate option to achieve risk mitigation and alleviate community concerns.

While acknowledging the strength and extent of the community's concern about the perceived fire risk of the pine plantation, Officers note the expertise of the CFA in

PYALONG PINE PLANTATION RECREATION RESERVE (CONT.)

undertaking a detailed assessment and that the findings of this assessment are compelling in countering this perception.

The assessment was conducted using the CFA's Bushfire Attack Assessment Tool and methodology to assess the risk of fire on a community. This needs to be a consideration when deciding on a course of action.

6 DEVELOPMENT AND INFRASTRUCTURE

6.1 AMENDED PLANNING PERMIT - P302806/01 FOR THE CONSTRUCTION AND USE OF A LANDFILL FACILITY, THE REMOVAL OF NATIVE VEGETATION AND ACCESS OFF THE SEYMOUR-TOOBORAC ROAD IN ACCORDANCE WITH THE ENDORSED PLANS AT PT CA28 & CA29 SEC3 V10766 F973, KNOWN AT 470 SEYMOUR-TOOBORAC ROAD, HILLDENE

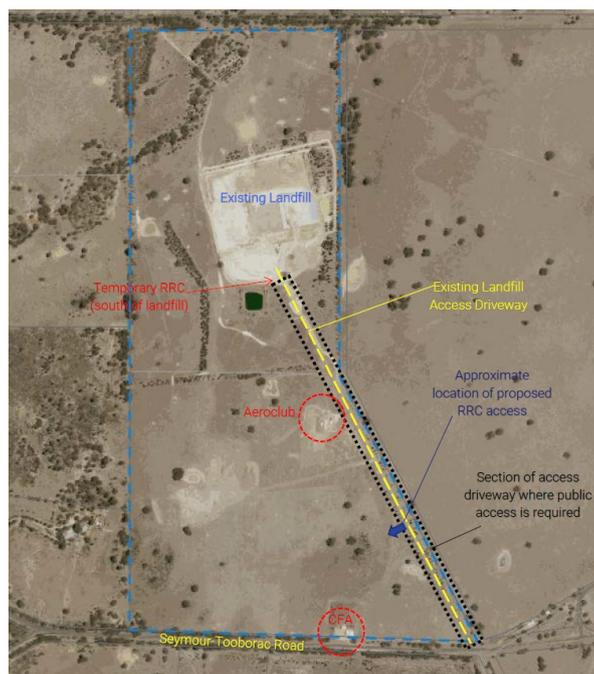
Author: Ricardo Ramos - Statutory Planning Coordinator

File No: P302806/01

Attachments: Nil

Property No.:	104378
Title Details:	PT CA28 & CA29 SEC3 V10766 F973
Applicant:	Mitchell Shire Council
Zoning:	Farming Zone (FZ)
Overlays:	Environmental Significance Overlay – Schedule 3
Objections Received:	No objections were received.
Cultural Heritage Management Plan Required:	No
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



AMENDED PLANNING PERMIT - P302806/01 FOR THE CONSTRUCTION AND USE OF A LANDFILL FACILITY, THE REMOVAL OF NATIVE VEGETATION AND ACCESS OFF THE SEYMOUR-TOOBORAC ROAD IN ACCORDANCE WITH THE ENDORSED PLANS AT PT CA28 & CA29 SEC3 V10766 F973, KNOWN AT 470 SEYMOUR-TOOBORAC ROAD, HILLDENE (CONT.)

SUMMARY

The existing Mitchell Shire landfill was granted planning approval in 2004.

This proposal specifically relates to the amendment of Condition 8 to allow for public access to the subject site.

The amendment sought under this application will allow for public access to the subject site and is proposed to read:

Operating hours for the proposed use shall be between 7:00am to 5:00pm Monday to Friday; and 8:00am to 1:00pm Saturday. Access to the landfill use on site shall be restricted to waste collection vehicles owned by Council or contractors' vehicles approved by Council for the purpose of waste collection.

The application was advertised and no objections were received. All relevant authorities have consented to the proposal.

SITE AND SURROUNDS

The subject site contains the Mitchell Fixed Wing Aero Club, providing a flying field for club members to fly model aircraft and the Mitchell Landfill. The Landfill is operating under Planning Permit No. P302806/01. Both these uses gain access from the existing dirt road to the east from Seymour-Tooborac Road.

To the south of the subject site is farmland and a CFA station (the Hilldene Fire Brigade) fronting Seymour-Tooborac Road. Further to the south of Seymour-Tooborac Road is Seymour Quarries, in which raw materials comprising aggregates are extracted.

The broader area is characterised by rural farmland used for agricultural activities. The Hume Freeway is located approximately 1.5 kilometres east of the subject site, providing direct access to Broadford and Melbourne. A number of watercourses are located in the surrounds, including Stony Creek to the north of the subject site and the Goulburn River running to the south of Seymour Quarries. Further west and north-west is the Puckapunyal Army Base, located approximately 4.5km north-west of the site.

PROPOSAL

It is proposed to amend Condition 8 to allow for public access to the existing and proposed Resource Recovery Centre and Aero Club. Specifically, it is proposed that the condition be amended to read:

Operating hours for the proposed use shall be between 7:00am to 5:00pm Monday to Friday; and 8:00am to 1:00pm Saturday. Access to the landfill use on site shall be restricted to waste collection vehicles owned by Council or contractors' vehicles approved by Council for the purpose of waste collection.

AMENDED PLANNING PERMIT - P302806/01 FOR THE CONSTRUCTION AND USE OF A LANDFILL FACILITY, THE REMOVAL OF NATIVE VEGETATION AND ACCESS OFF THE SEYMOUR-TOOBORAC ROAD IN ACCORDANCE WITH THE ENDORSED PLANS AT PT CA28 & CA29 SEC3 V10766 F973, KNOWN AT 470 SEYMOUR-TOOBORAC ROAD, HILLDENE (CONT.)

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 objectors 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 the application and submissions.

RECOMMENDATION

THAT Council officers provide a report in relation to Amended Planning Permit No. P302806/01 for the construction and use of a landfill facility, the removal of native vegetation and access off the Seymour-Tooborac Road in accordance with the endorsed plans at PT CA28 & CA29 SEC3 V10766 F973, known at 470 Seymour-Tooborac Road.

6.2 DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660

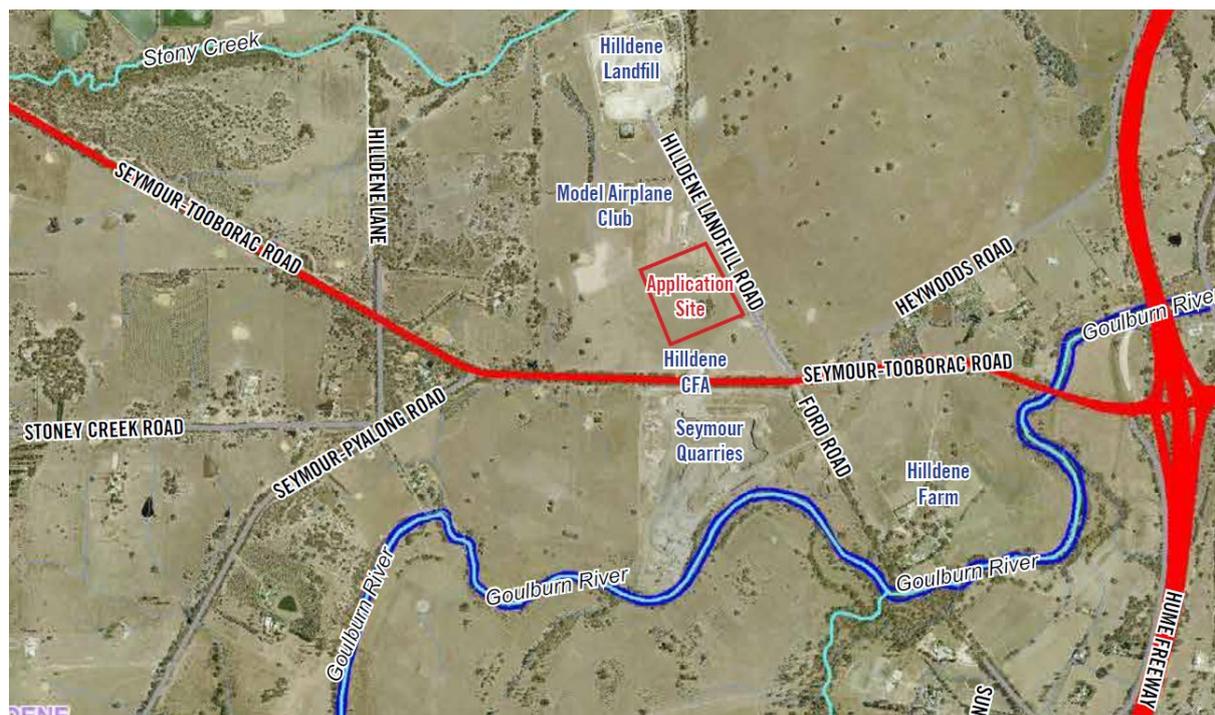
Author: Ricardo Ramos - Statutory Planning Coordinator

File No: PLP196/18

Attachments: Nil

Property No.:	104378
Title Details:	PT CA28 SEC3 V10766 F973
Applicant:	Mitchell Shire Council
Zoning:	Farming Zone (FZ)
Overlays:	Environmental Significance Overlay – Schedule 3
Objections Received:	One objection was received.
Cultural Heritage Management Plan Required:	Not required
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



DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)

SUMMARY

Planning Permit application PLPL196/18 seeks approval for the use and development of the land at 470 Seymour Tooborac Road, Hilldene for a resource recovery centre, earthworks, vegetation removal, reduction of car parking, alteration of access to a Road Zone Category 1 and business identification signage.

The application was advertised and received one objection.

SITE AND SURROUNDS

Subject Site Description

The subject site fronts to Seymour-Tooborac Road and is approximately 5km west of the Seymour township. The site forms part of a larger parcel of land owned by Mitchell Shire Council, which comprises two lots and has an overall area of 105 hectares.

The overall site includes the Mitchell Landfill on the northern lot, including a temporary resource recovery centre, a Fixed Wing Aero Club and the Hilldene Fire Brigade to the south.

The subject site comprises an overall area of approximately 53 hectares. The area of works (referred to as the application site on the site map), comprises 4.64 hectares and lies adjacent to the existing access road to the east.

The subject site has been used for cattle grazing. Topographically, the land is relatively flat and includes predominantly grasslands, with some native patches and scattered gum trees remaining.

Surrounding Area

To the north of the subject site is the Mitchell Fixed Wing Aero Club, providing a flying field for club members to fly model aircraft and the Mitchell Landfill. The Landfill is operating under Planning Permit No. P302806/01. Both these uses gain access from the existing dirt road to the east from Seymour-Tooborac Road.

To the south of the subject site is farmland and a CFA station (the Hilldene Fire Brigade) fronting Seymour-Tooborac Road. Further to the south of Seymour-Tooborac Road is Seymour Quarries, in which raw materials comprising aggregates are extracted.

The broader area is characterised by rural farmland used for agricultural activities. The Hume Freeway is located approximately 1.5km east of the subject site, providing direct access to Broadford and Melbourne. A number of watercourses are located in the surrounds, including Stony Creek to the north of the subject site and the Goulburn River running to the south of Seymour Quarries. Further west and north-west is the Puckapunyal Army Base, located approximately 4.5km north-west of the site.

PROPOSAL

The proposal seeks approval for the use and development of a resource recovery centre, including native vegetation removal and earthworks, as well as associated signage, a car parking reduction and alteration of an access to a Road Zone Category 1.

DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)

The details of proposal are as follows:

Use

The proposal seeks approval for the use of a resource recovery centre, specifically, a transfer station/materials recycling. Minor ancillary uses are also proposed, including:

- Office space and lunchroom – for staff use.
- Education space – for community use, including school groups.
- Community room – for community use for education and other complementary activities.
- Reuse shop – this will operate similar to the existing Wallan Resource Recovery Centre Reuse Shop, reselling goods like household items that can still be used such as furniture, toys, books, CDs, gardening items, etc.

Operations

The operations are as follows:

- Operating times from 10am – 4pm, 6 days per week (closed on Tuesday and Good Friday, Christmas Day and New Year's Day)
- Staffing to comprise 3 staff during peak periods.
- Waste will be separated on site and collected during business hours, except for a selected waste contractor that will collect bulk bins before 10am on weekdays.

Development

Scale

The development will be a single storey building, comprising:

- A total area of approximately 7,380 square metres,
- A length of 130.3 metres and a width of 56.6 metres.
- A dual pitch roof with an overall height of 11.79 metres to the pitch (with a roof height of 6.5 metres).

Setbacks

The building will be setback approximately:

- 138.9 metres from the southern title boundary.
- 498.9 metres from the western title boundary.
- 57.4 metres from the eastern access road.
- 500 metres from the Mitchell Landfill to the north.
- 570 metres from dwellings to the west at 590 Seymour-Tooborac Road.
- 359 metres from dwellings to the east at 15 Popples Lane (also known as 420 Seymour-Tooborac Road).

External Finishes

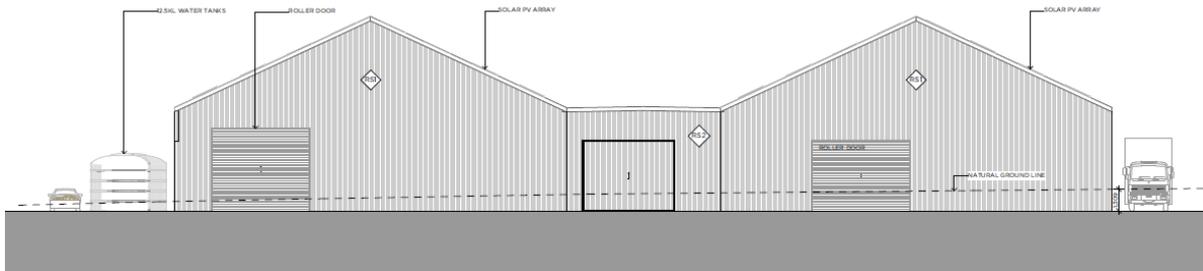
The external finishes will include:

- Dark grey corrugated roof sheeting for the eastern walls.

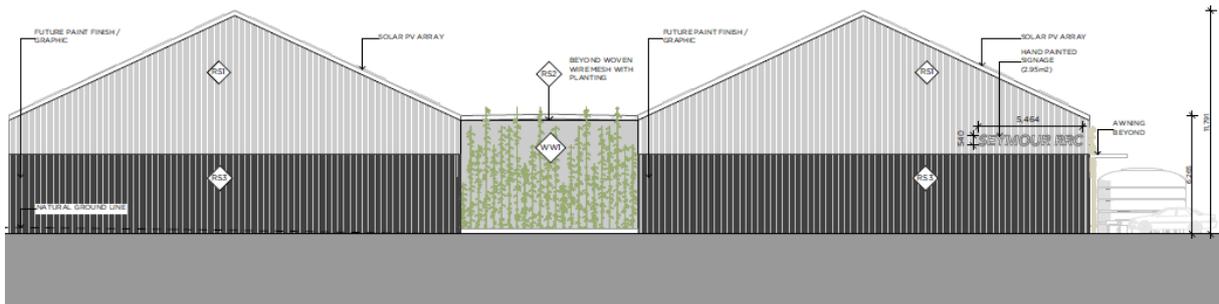
DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)

- Grey and dark grey corrugated roof sheeting for the northern and southern walls.
- Precast concrete panels for the western walls.
- Transparent polycarbonate for the central connecting walls and central portion of the roof.

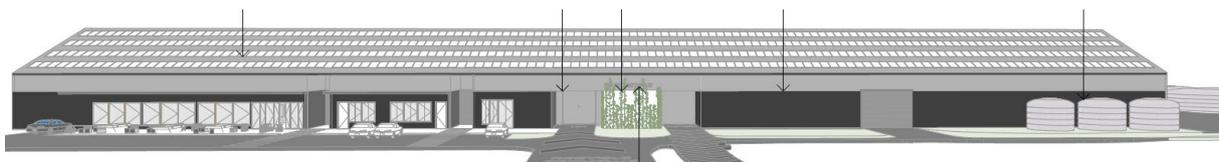
Below are the elevation plans.



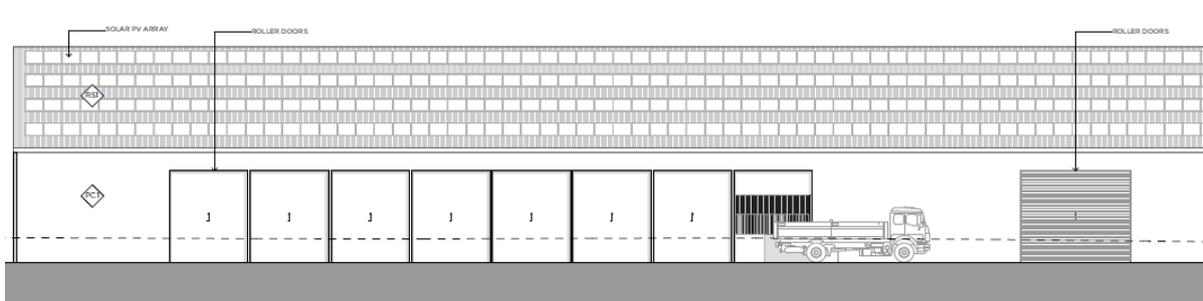
North Elevation



South Elevation

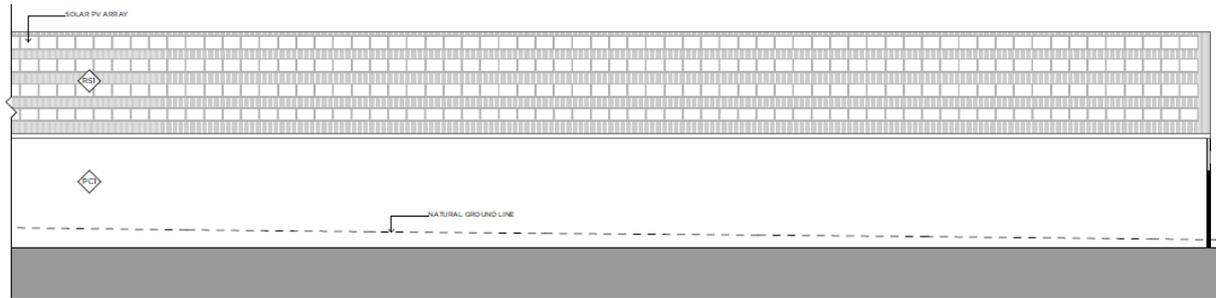


East Elevation



West Elevation

DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)



West Elevation Continued

Earthworks

Earthworks are required to level the area for the development, including a maximum cut of approximately 1.5 metres.

Layout, Access and Parking

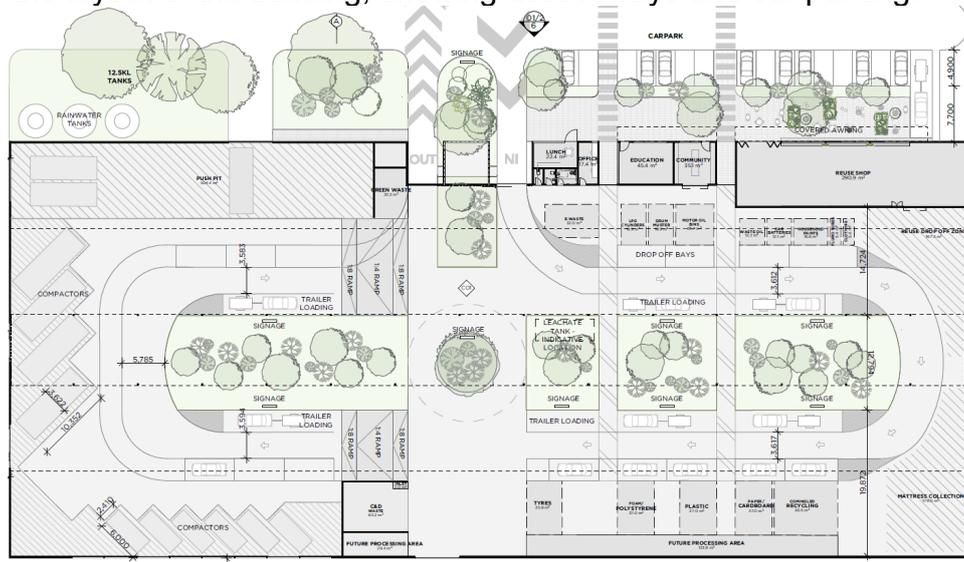
Access & Car Parking

Access is proposed via the existing gravel access road from Seymour-Tooborac Road.

The following parking is proposed:

- 16 external car spaces to the south-east (front) of the building.
- 14 drop-off bays within the building.
- 6 “trailer loading” bays within the building, each accommodating a car towing a trailer.

Below is the layout of the building, showing accessways and car parking.



Road Widening

Road widening at the existing intersection and line marking on Seymour-Tooborac Road is proposed to accommodate the increased traffic generation to the site. Specifically, road widening (approximately 1-2 metres) is proposed to the west of the

DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)

intersection, within the northern road reserve allowing the provision of a 105 metre right turn lane.

Vegetation Removal

The proposal will result in the removal of 0.12ha of native vegetation, comprising of:

- Tree 2 – Grey Box
- Tree 9 – Waxy Yellow-gum
- Tree 10 – Waxy Yellow-gum
- 0.001ha of a patch of Plains Grassy Woodland

Landscaping

New landscaping is proposed throughout the subject site to enhance both biodiversity and visual amenity. Of note the landscape plan includes the following key elements:

- Habitat improvements works throughout the area of works and along the eastern access road, with new planting of species selected to match the existing Ecological Vegetation Community on site (Plains Grassy Woodland).
- A diverse mix of indigenous drought resistant species, including canopy trees, shrubs and groundcovers around the periphery of the development
- Planting centrally within the building under translucent roofing.
- A green wall on the southern façade.

Signage

Directional signage is proposed throughout the development to ensure effective wayfinding for the public. In addition, the following non-illuminated business identification signage is proposed:

- 2.95sqm hand-painted 'Seymour RRC' on the southern façade (5.46 metres x 0.54metres).

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 objectors 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 the application and submissions.

RECOMMENDATION

THAT Council officers provide a report in relation to Planning Application No. PLPL196/18 was for the use & development of the land for a resource recovery centre, earthworks, vegetation removal, reduction of car parking, alteration of access to a Road Zone Category 1 and business identification signage at 470 Seymour Tooborac Road, Hilldene Vic 3660.

6.3 PLANNING PERMIT APPLICATION PLP150/19 FOR THE DEVELOPMENT OF THE LAND FOR SEVEN (7) DWELLINGS AT 36 VICTORIA STREET SEYMOUR

Author: Rees May - Statutory Planner

File No: PLP150/19

Attachments: Nil

Property No.:	122731
Title Details:	Lot 1 on Plan of Subdivision 737784B (Volume 11570 Folio 109)
Applicant:	T.M. Mitchell Holdings
Zoning:	General Residential Zone – Schedule 1
Overlays:	Land Subject to Inundation Overlay, Heritage Overlay – Schedule 308 and Design and Development Overlay – Schedule 9
Objections Received:	Three objections have been received.
Cultural Heritage Management Plan Required:	No. The subject site is not identified as being located within an area of 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 PLP150/19 FOR THE DEVELOPMENT OF THE LAND FOR SEVEN (7) DWELLINGS AT 36 VICTORIA STREET SEYMOUR (CONT.)

SUMMARY

Council has received an application to construct seven dwellings on a lot at 36 Victoria Street, Seymour. The subject site has an overall area of 1,630 square metres. The site is zoned General Residential Zone and is affected by the Land Subject to Inundation Overlay, Heritage Overlay and Design and Development Overlay.

The application was advertised by sending letters to adjoining landowners and occupiers and placing a notice on the site. A total of three objections have been received.

SITE AND SURROUNDS

Subject Site Description

The subject site is located at 36 Victoria Street, Seymour and is legally described as Lot 1 on Plan of Subdivision 737784B (Volume 11570 Folio 109). The subject site is irregular in shape and has an overall area of 1630 square metres.

The subject site is currently vacant and contains a large eucalypt tree in the eastern portion of the site. The topography of the subject site is relatively flat. It is accessible via a carriageway easement that provides access to Victoria Street.

Surrounding Area

The subject site is located approximately 750 metres from the Seymour Town Centre and approximately 200 metres from the Seymour Train Station.

The surrounding context is as follows:

- To the north of the site is a parcel of land owned by the Seymour Railway Heritage Centre. This parcel of land contains a large building used for storage.
- To the east of the site is a laneway and Seymour Railway Heritage Centre. This site contains small buildings and is used for general storage associated with the railway. There is also a reserve for drainage purposes opposite the subject site.
- To the south of the site is several parcels of land within different ownership. Each parcel of land contains single dwellings and associated outbuildings.
- To the west of the site is a carriageway easement that provides access to the site from Victoria Street. On the other side of Victoria Street is a parcel of crown land. This parcel contains goods and materials associated with the railway stored on the site.

PROPOSAL

Dwelling Design & Layout

The application is proposing the development of the land for seven dwellings. Each dwelling is proposed to contain two bedrooms, a bathroom, an open plan kitchen, dining and living area and an attached single garage.

PLANNING PERMIT APPLICATION PLP150/19 FOR THE DEVELOPMENT OF THE LAND FOR SEVEN (7) DWELLINGS AT 36 VICTORIA STREET SEYMOUR (CONT.)

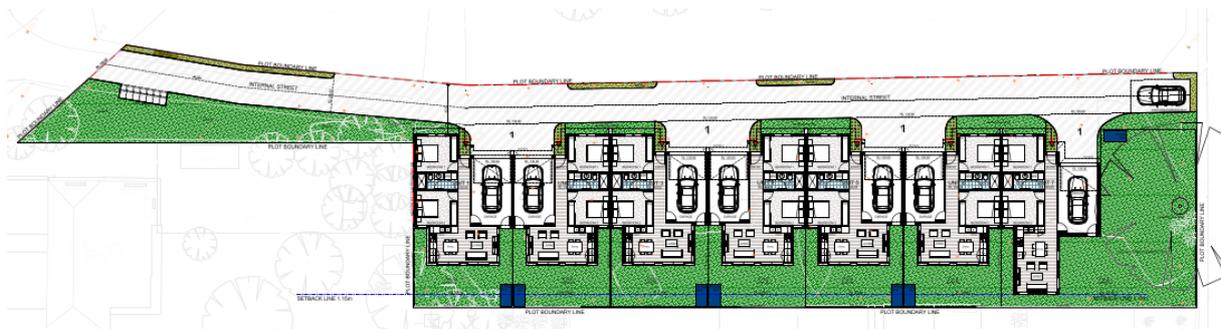
Each dwelling is to be provided with a minimum of 40 square metres of private open space and Unit 7 is provided with a total of 169 square metres of secluded private open space. The proposed dwellings will be in brickwork and have pitched concrete tile roof.

Access & Car Parking

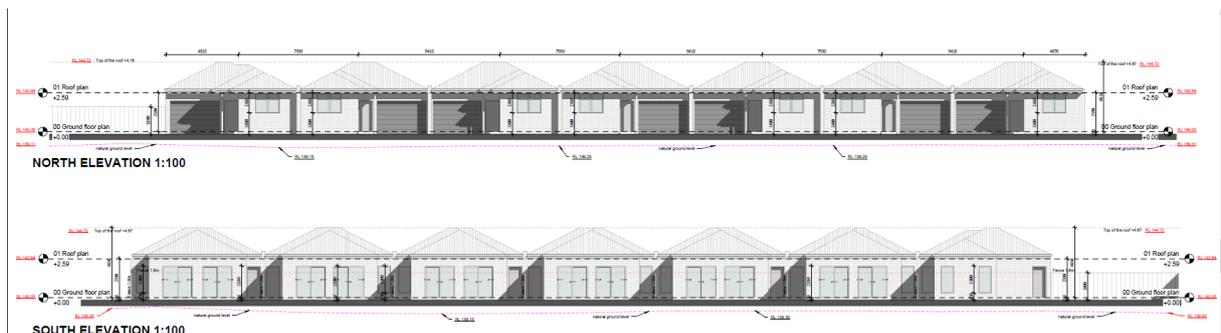
Access is provided from a carriageway easement, with direct access to Victoria Street. The internal accessway will be common driveway and landscaping is proposed along the accessway. A single visitor spaces are proposed to be provided adjacent at the end of the common driveway.

Covenant

The covenant seeks to prevent a large native tree on the site from being removed. The covenant allows for the Responsible Authority to provide written consent to construct a building within the hatched area. The application is proposing to construct a garage and car parking space within the extent of the hatched area affected by Covenant PS737784B.



Site Layout



North and South Elevation Plans

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*.

PLANNING PERMIT APPLICATION PLP150/19 FOR THE DEVELOPMENT OF THE LAND FOR SEVEN (7) DWELLINGS AT 36 VICTORIA STREET SEYMOUR (CONT.)

The applicant and objectors 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 the application and submissions.

RECOMMENDATION

THAT Council officers provide a report in relation to Planning Application No. PLP150/19 for the development of the land for seven (7) dwellings at Lot 1 on Plan of Subdivision 737784B (Volume 11570 Folio 109), known as 36 Victoria Street, Seymour.

6.4 PLANNING PERMIT APPLICATION PLP108/19 FOR THE USE OF THE LAND FOR CAMPING AND DEVELOPMENT OF AN AMENITIES BLOCK AT 85 OLD DAIRY FLAT ROAD, HEATHCOTE SOUTH

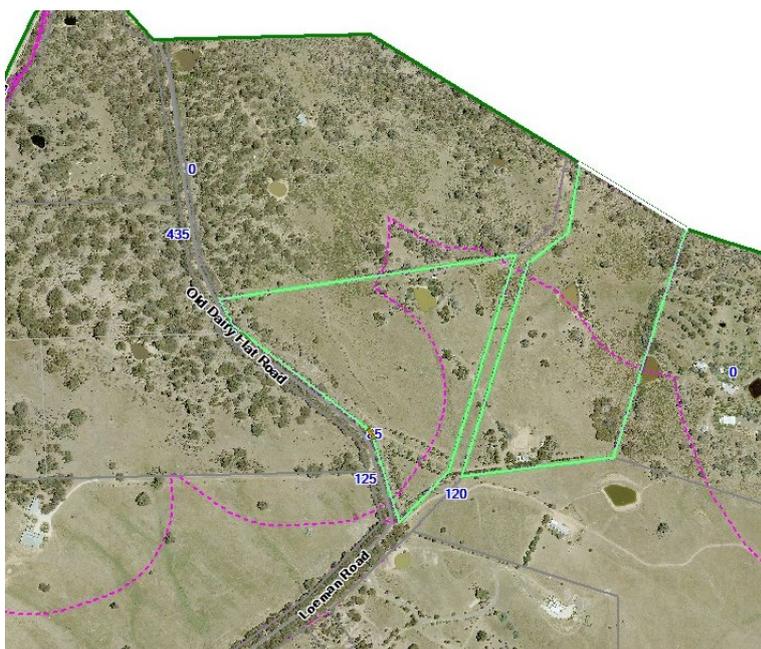
Author: Sarah Tomlinson - Senior Statutory Planner

File No: PLP108/19

Attachments: Nil

Property No.:	114084
Title Details:	Lot 2 (two parts) on Plan of Subdivision 329302 Volume 10864 Folio 198
Applicant:	Plan it Rural
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay Environmental Significance Overlay (Schedule 2)
Objections Received:	Four objections received
Cultural Heritage Management Plan Required:	No, while a portion of the site is of Aboriginal Cultural Heritage Significance, no development is proposed within the affected area.
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 PLP108/19 FOR THE USE OF THE LAND FOR CAMPING AND DEVELOPMENT OF AN AMENITIES BLOCK AT 85 OLD DAIRY FLAT ROAD, HEATHCOTE SOUTH (CONT.)

SUMMARY

The application is seeking approval to use the land for the purpose of camping and development of an amenities block at 85 Old Dairy Flat Road, Heathcote South. The subject land is located within the Farming Zone and is affected by the Bushfire Management Overlay and the Environmental Significance Overlay (Schedule 2) to the Mitchell Shire Planning Scheme.

The application was advertised via letters to adjoining landowners and occupiers. A total of four objections have been received, at the time of writing this report.

SITE AND SURROUNDS

Subject Site Description

The subject site is irregular in shape and is split across two parcels of land by a paper road indicated on the plan of subdivision. The total area of the land is 15.02 hectares. It is located on an unsealed road, approximately 8 kilometres by road south of Heathcote and 18 kilometres by road north west of Tooborac.

The site currently contains two sheds (for storage and maintenance of the site), a water tank, all weather accessway, all weather parking area, two shipping containers (to be sold and removed), two dams and formed walking tracks.

The site was historically cleared of the majority of vegetation for agricultural purposes however the previous owners undertook extensive re-vegetation of the site with a mix of native and exotic species.

The site is sloped with a general fall of 20-30 metres from south to north.

Surrounding Area

The subject site is located in a rural area west of the Northern Highway and approximately halfway between Heathcote and Tooborac.

Lot sizes surrounding the subject site are similar to the subject lot. The parcel of land adjoining the subject site to the north is zoned Public Conservation and Resource Zone and is outside the Mitchell Shire jurisdiction. The rest of the adjacent land is zoned under the Farming Zone. Surrounding uses include conservation reserves and agriculture. The broader region is associated with viticulture.

PROPOSAL

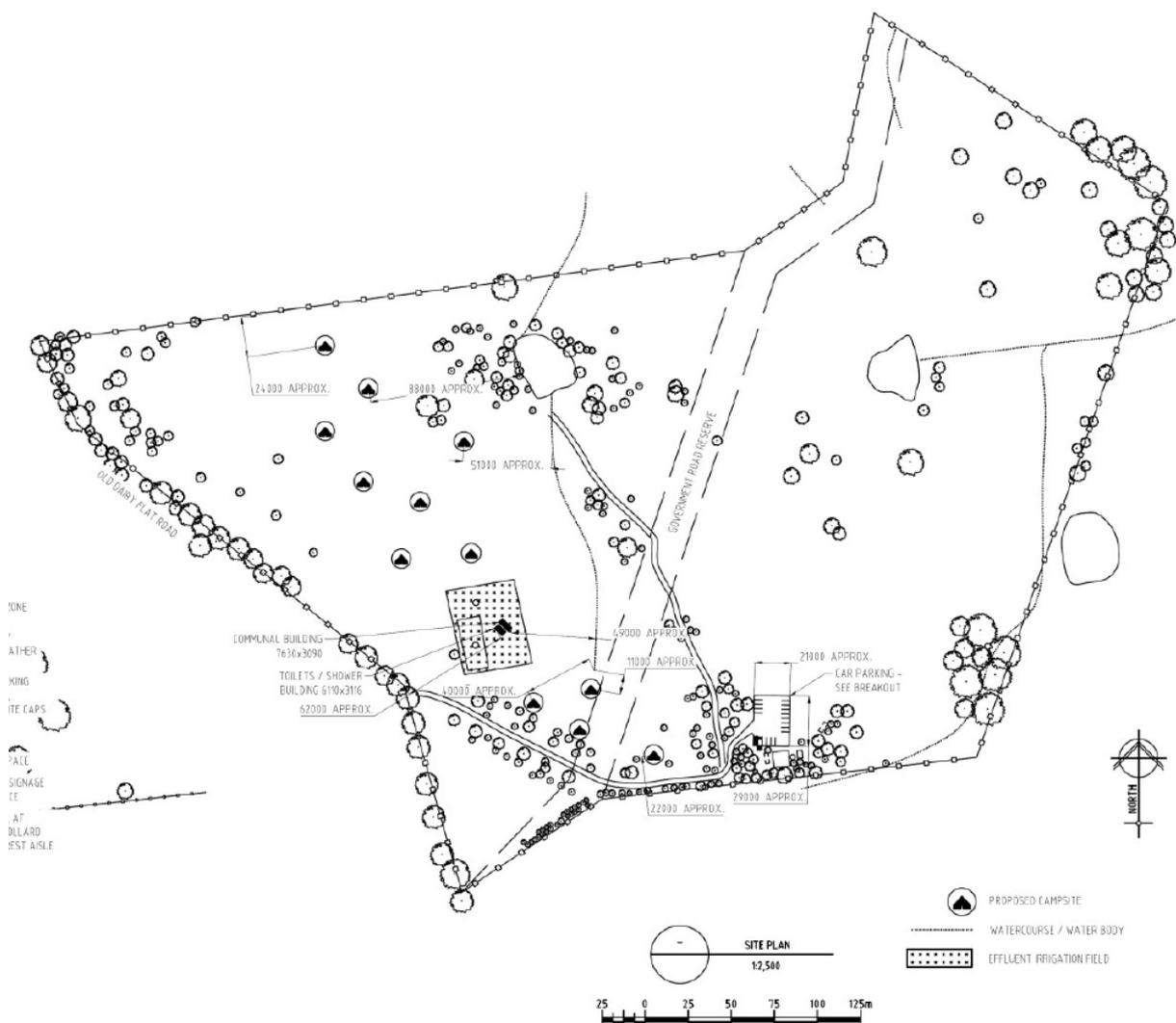
The application is seeking approval to use the land for the purpose of camping and to construct an amenities block to service the camping sites. The proposal would be to provide short-stay tent accommodation with the following attributes:

- Tents would be provided and set up by the operator ready for use by guests then removed after they depart. These would be bell tents containing one queen sized bed;
- No construction in the form of a slab or base structure would be required, the tents themselves would sit on the ground;
- There would be a maximum of twelve (12) campsites, allowing a maximum of 24 guests on site at any one time;

PLANNING PERMIT APPLICATION PLP108/19 FOR THE USE OF THE LAND FOR CAMPING AND DEVELOPMENT OF AN AMENITIES BLOCK AT 85 OLD DAIRY FLAT ROAD, HEATHCOTE SOUTH (CONT.)

- There would be an on-site manager/host available on site (also in tent accommodation) whenever guests are present;
- The communal facilities/block would provide cooking, toilets and showers for guests as well as site information, for example the Emergency Management Plan;
- The communal building would also service as the Shelter-in-Place building in the event of a Bushfire.
- Guest vehicles would be required to park in the allocated car parking area and walk to their designated camping site;
- The operation and site would be closed on declared Code Red/Extreme Fire Days;
- No campfires will be associated with tent sites.

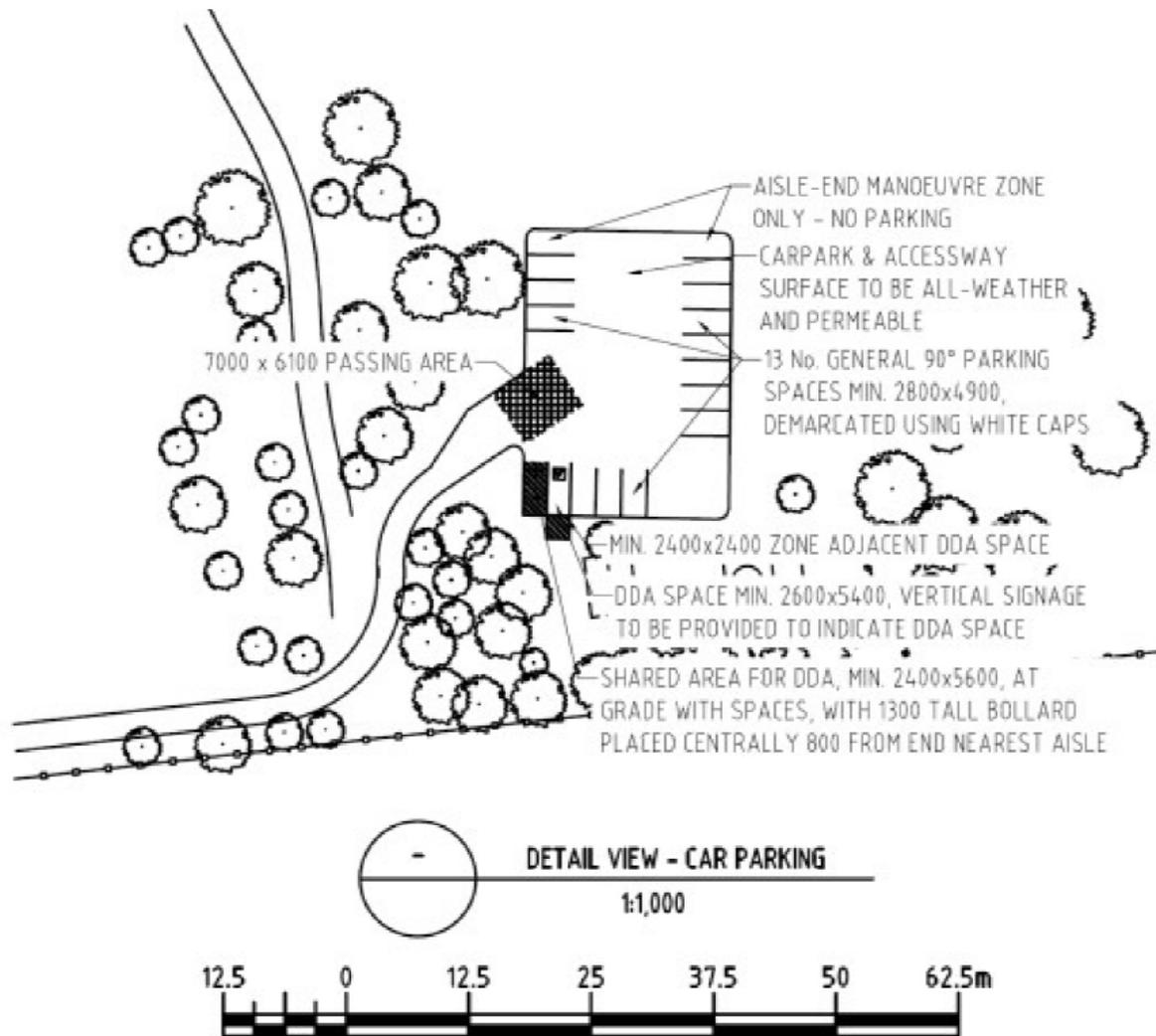
The proposed site plan below demonstrates the location of the tent sites, amenities block and car parking area:



Source: Plan-it Rural Drawing Number PIR-014-002SP-5 16/9/19

PLANNING PERMIT APPLICATION PLP108/19 FOR THE USE OF THE LAND FOR CAMPING AND DEVELOPMENT OF AN AMENITIES BLOCK AT 85 OLD DAIRY FLAT ROAD, HEATHCOTE SOUTH (CONT.)

The below plan provides a detailed view of the proposed car parking area.



Source: Plan-it Rural Drawing Number PIR-014-002SP-5 16/9/19

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 objectors 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 the application and submissions.

RECOMMENDATION

THAT Council officers provide a report in relation to Planning Application No. PLP108/19 for the use of the land for camping and development of an amenities block at Lot 2 (two parts) on Plan of Subdivision 329302 Volume 10864 Folio 198, known as 85 Old Dairy Flat Road, Heathcote South.

6.5 PLANNING SCHEME AMENDMENT C139: CORRECTION OF ZONE ANOMALIES - CONSIDERATION OF SUBMISSIONS

Author: Justin Harding - Strategic Planner

File No: PL/05/272

Attachments: 1. Amendment C139 Summary of Submissions

SUMMARY

Proposed Planning Scheme Amendment C139 seeks to correct zoning anomalies in Kilmore, Bylands and Wandong. The proposed zone corrections relate to public zones affecting private land or public land being incorrectly zoned.

Amendment C139 was placed on public exhibition between 27 September 2019 and 8 November 2019, in accordance with Council's resolution on 18 February 2019. Exhibition comprised a mailout to affected landowners, newspaper advertising and notice in the *Victoria Government Gazette*.

In total ten (10) submissions have been received. A summary of the submissions received, and officer response is provided at Attachment 1 to this report. Of the ten (10) submissions, eight (8) support the amendment and two (2) object.

Both objections pertain to the proposed rezone of former railway land in Bylands from Public Use Zone 4 to Farming Zone. These submissions will need to be referred to an Independent Planning Panel as the matters raised in the submissions cannot be resolved.

It is recommended that Amendment C139 be referred to the Independent Planning Panel for review and consideration of unresolved submissions.

RECOMMENDATION

THAT: Council officers provide a report to Council in relation to Amendment C139.

BACKGROUND

Amendment C139 seeks to correct anomalies that have either been raised by affected landowners, requested by VicTrack or identified as actions by a township structure plan for the area. These changes will improve the accuracy of the *Mitchell Planning Scheme* by ensuring land is zoned appropriately.

Amendment C139 proposes to correct the following zoning anomalies:

- **Land at and adjacent the intersection of Sutherland Street and Rutledge Street, Kilmore.** The Road Zone Category 2 does not match the road reserve and constructed intersection. It is proposed to correct the Road Zone Category 2, General Residential Zone and Special Use Zone 4 (Private Educational or Religious Institutions) in this area. No opposing submissions have been received regarding this proposed rezone.

PLANNING SCHEME AMENDMENT C139: CORRECTION OF ZONE ANOMALIES - CONSIDERATION OF SUBMISSIONS (CONT.)

- **Land owned by Goulburn Valley Water at 52-65 Anderson Road Kilmore and private land adjoining at 50 Anderson Road, Kilmore.** The zoning for this area contains several anomalies relating to the Goulburn Valley Water storage facility. It is proposed to correct the Farming Zone and Public Use Zone in this area. No opposing submissions have been received regarding this proposed rezone.
- **The Wandong Memorial Park at 3279 Epping Kilmore Road, Wandong.** It is proposed to rezone the park from Low Density Residential Zone to Public Park and Recreation Zone. No opposing submissions have been received regarding this proposed rezone.
- **Former railway line land that connected Heathcote Junction to Kilmore, south of Union Lane.** The railway line has been decommissioned. The land is privately owned, used as a road reserve or surplus to VicTrack requirements. It is proposed to rezone from Public Use Zone 4 (Transport, PUZ-4) to Farming Zone. This matter received two (2) opposing submissions and is discussed in detail later in this report.

ISSUES AND DISCUSSION

Exhibition of Amendment C139

Amendment C139 was placed on formal exhibition from 27 September 2019 to 8 November 2019 in accordance with the relevant requirements of the *Planning and Environment Act 1987*. Exhibition was also undertaken in accordance with the *Mitchell Shire Community Framework 2018*. Exhibition comprised:

- Notification of relevant referral agencies and affected landowners including a plain English information sheet
- Notice in the North Central Review (1 October 2019)
- Notice in the *Victoria Government Gazette* (3 October 2019)
- Copies of all amendment documentation were made available on Council's website, and the Department of Environment, Land, Water and Planning (DELWP) website.
- Hard copies of amendment documentation were available at the Wallan Planning and Building Office and the Kilmore and Broadford Library and Customer Service Centres.

Submission Review

Amendment C139 has received ten (10) submissions. Of the submissions received:

- Four (4) are from referral authorities who support the amendment
- Four (4) are from affected or neighbouring landowners who support the amendment
- One (1) is from a neighbouring landowner and one (1) is from community group Friends of the Bendigo-Kilmore Rail Trail who oppose the proposed rezone of land in Bylands

PLANNING SCHEME AMENDMENT C139: CORRECTION OF ZONE ANOMALIES - CONSIDERATION OF SUBMISSIONS (CONT.)

Attachment 1 to this report provides a summary of the submissions and the officer response. Both objections and four (4) of the supporting submissions pertain only to the proposed rezone of the former Heathcote Junction to Heathcote railway land in Bylands from PUZ-4 to Farming Zone.

Kilmore and Wandong Rezones

No submissions requesting changes to the proposed zone corrections at the Conway Street/Rutledge Street, Kilmore road reserve, the Goulburn Valley Water facility at Anderson Road, Kilmore or the Wandong Memorial Park have been received. It is recommended to proceed with the proposed rezones in Kilmore and Wandong as exhibited and these matters are therefore not discussed further in this report.

Former Wandong to Kilmore Rail Reserve, Bylands

Amendment C139 proposes to rezone the former rail reserve south of Union Lane in Bylands from PUZ-4 to Farming Zone. Two (2) submissions oppose this component of Amendment C139. An adjoining landowner at 310 Arkells Lane and community group Friends of the Bendigo-Kilmore Rail Trail objects to the rezone as they consider the land should remain within VicTrack ownership and wish to see the land utilised for a rail trail and consider that rezoning the land to Farming Zone will prevent this future use.

Four (4) submissions from affected and neighbouring landowners support Amendment C139 as they wish to see the zoning in the area and on their properties corrected to reflect the private ownership of their land. Figure 1 below identifies the proposed rezone area, submitters locations and current ownership of the former rail line.

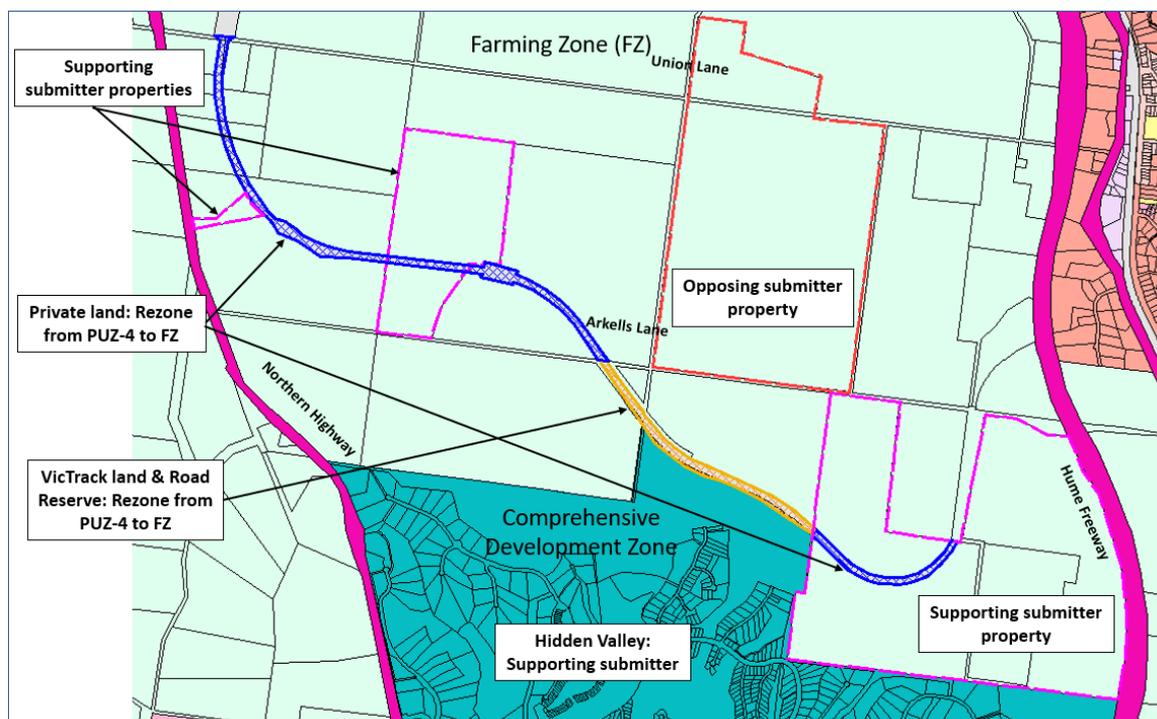


Figure 1: Bylands rezone area, submitter locations and ownership of former rail line

PLANNING SCHEME AMENDMENT C139: CORRECTION OF ZONE ANOMALIES - CONSIDERATION OF SUBMISSIONS (CONT.)

The two (2) objections to Amendment C139 are not supported for several reasons as discussed below.

Ministerial Direction: Form and Content of Planning Schemes & Purpose of Public Use Zone

The *Mitchell Planning Scheme* must be in accordance with the *Ministerial Direction: Form and Content of Planning Schemes*. Section 12 of this Ministerial Direction specifies that “A planning scheme may only include land in a Public Use Zone if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council”.

As shown at Figure 1, the majority of the proposed rezone land is held in private ownership and is currently not compliant with the *Ministerial Direction: Form and Content of Planning Schemes*. Therefore, the submitters request to change the amendment to retain the PUZ-4 on the privately-owned portion of the rezone area is not possible as per the Ministerial Direction. This view was supported by the Department of Environment, Land, Water and Planning (DELWP) Hume Regional Planning office.

The purpose of the Public Use Zone is “To recognise public land use for public utility and community services and facilities”. The portion of the former railway land owned by VicTrack is not utilised for public purposes as the rail line was closed in 1968 and dismantled in 1975. Therefore, the Public Use Zone applied to the VicTrack portion of the rezone area is not appropriate and is recommended to be rezoned to Farming Zone to allow for future sale and private use of the land.

Use of former rail line for rail trail

At its Ordinary Council Meeting held 19 March 2018, Council endorsed the findings of the *Wallan to Heathcote Rail Trail Feasibility Study 2017*. The Feasibility Study at Page 15 showed the potential rail trail route as following the former rail alignment.

The Feasibility Study provided a high-level analysis of the proposed route for the rail trail and did not consider that this route would bisect several smaller properties in Bylands. During consultation of the Feasibility Study several landowners, including Bylands landowners affected by Amendment C139, opposed the use of the former rail line for a rail trail as the route shown would divide their properties.

Council responded to these concerns by noting in the Feasibility Study at Page 37 that compulsory acquisition would not be utilised to secure land for the project. It is also noted that the PUZ-4 cannot be utilised for compulsory land acquisition purposes.

The proposed rezone will not compromise provision of shared path through Bylands. A shared path trail connecting Wandong-Heathcote Junction and Kilmore could be provided in the area by utilising the existing Arkells Lane and Northern Highway road reserves. Arkells Lane is a 20-metre road reserve which would allow for road and rider separation. The Northern Highway is a 60-metre road reserve which would also allow for road and rider separation. Voluntary acquisition of land could be sought where the

PLANNING SCHEME AMENDMENT C139: CORRECTION OF ZONE ANOMALIES - CONSIDERATION OF SUBMISSIONS (CONT.)

road reserves contain features, such as dense vegetation, that would prevent shared path access.

Utilising existing road reserves with voluntary land acquisition would significantly reduce the cost of providing a shared path as land acquisition costs are significantly reduced. Acquiring land adjunct road reserves is also significantly less disruptive to properties as road reserves are typically property or lot boundaries. Therefore, utilising road reserves significant cost and community benefits versus utilising the previous railway line land which would bisect properties and significantly add to the cost of development.

Future rail trail zoning

The PUZ-4 is not utilised for rail trails. The Great Victorian Rail Trail in Tallarook is predominately within the Road Zone Category 1 and Farming Zone. The Great Southern Rail Trail in Gippsland is predominately within the Road Zone Category 1 and Public Park and Recreation Zone. The O'Keefe Rail Trail between Heathcote and Bendigo utilises several zonings, including Public Park and Recreation Zone, Rural Conservation Zone and Farming Zone.

Rezoning the land from PUZ-4 to Farming Zone will allow for use of any section of the former rail line for a rail trail in future, should landowners voluntarily agree to do so. Therefore, it is of no benefit to retain the PUZ-4 to ensure the former rail line route can be utilised for a rail trail and the submitters request is not supported. Council proceeding with correcting a zoning anomaly does not constitute an abandonment of its previous resolution regarding the Feasibility Study.

Next Steps

It is recommended that Amendment C139 be referred to the Independent Planning Panel for review and consideration of unresolved submissions. Once the Panel have conducted a Panel Hearing, and reviewed submissions a Panel Report with recommendations is issued to Council. Council will then have the opportunity to consider the Panel Report at a future Council Meeting.

CONSULTATION

All submitters will be notified of Council's decision following consideration of this report. Any mediation that continues to occur with submitters would be consistent with the officer response identified within Attachment 1 of this report.

If an Independent Planning Panel is appointed, all submitters will be notified of the hearing proceedings and will be given the opportunity to present to the Planning Panel.

If a Panel Hearing is conducted, and a report released with its findings and recommendations, Council is required to release the Panel Report within 28 days of its receipt. The Panel Recommendations would be subject to a future report to Council for formal consideration.

PLANNING SCHEME AMENDMENT C139: CORRECTION OF ZONE ANOMALIES - CONSIDERATION OF SUBMISSIONS (CONT.)

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

If a Planning Panel is appointed, Council is responsible for the payment of the Panel's costs, including hearing time, report writing time and expenses (e.g. accommodation). The full extent of the panel costs will depend on the number of panel members required, the complexity of submissions and the length of hearing time. Council's Strategic Planning operating budget will be able to accommodate the Panel costs.

POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan

Proposed Planning Scheme Amendment C139 is consistent with the relevant objectives of the Council Plan 2017 – 2021, including the following:

Strategic Objective Responsible Planning

To demand best practice outcomes when planning for future growth.

Relevant Key Strategies: *Employ best practice planning tools to achieve desired outcomes.*

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?
Reputational risk to Council in that some parties may feel they have not had a chance to have their say and have not had their submission resolved.	Low	Should Council adopt the recommendations in this report, there is an opportunity for parties to be involved in an upcoming Planning Panel process which will provide the opportunity to make formal submissions to an independent body. This is part of a typical planning scheme amendment process.	The costs associated with the next phase of the planning scheme amendment process is accommodated within the existing budget.

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

It is not expected that the proposed Planning Scheme Amendment will have any adverse effects on the environment or sustainability as the changes are considered to be minor in nature.

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.

PLANNING SCHEME AMENDMENT C139: CORRECTION OF ZONE ANOMALIES - CONSIDERATION OF SUBMISSIONS (CONT.)

CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no implications for children and young people in terms of correcting the identified anomalies through this proposed Planning Scheme Amendment.

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 a result of two (2) unresolved submissions objecting to Amendment C139 it is recommended that Council resolve to request the Minister for Planning to appoint an Independent Planning Panel to conduct a public hearing to consider the unresolved submissions. Both unresolved submissions object to the rezoning of the former railway land in Bylands from PUZ-4 to Farming Zone in order to allow future use of the land for a rail trail.

The submissions cannot be considered as most of the PUZ-4 land is within private ownership and therefore is not in accordance with *Ministerial Direction: Form and Content of Planning Schemes*. It is unlikely that the future trail will follow the former rail route as Council would be required to acquire private land. Acquisition of land along the former rail line is not supported by Bylands property owners as this would divide their properties. The endorsed *Wallan to Heathcote Rail Trail Feasibility Study 2017* notes that no compulsory acquisition of land will be utilised for the rail trail. Rail trails throughout Victoria are not within the PUZ-4, with the Farming Zone allowing use of land for a rail trail. Therefore, it is of no benefit to retain the PUZ-4 to ensure the former rail line route can be utilised for a rail trail.

PLANNING SCHEME AMENDMENT C139: CORRECTION OF ZONE ANOMALIES - CONSIDERATION OF SUBMISSIONS (CONT.)

MITCHELL SHIRE COUNCIL

Community Questions and Hearings Committee Meeting Attachment

DEVELOPMENT AND INFRASTRUCTURE

10 MARCH 2020

6.5

**PLANNING SCHEME AMENDMENT C139:
CORRECTION OF ZONE ANOMALIES -
CONSIDERATION OF SUBMISSIONS**

Attachment No: 1

Amendment C139 Summary of Submissions

Attachment 1: Summary of Submissions and Council Officer Responses to Mitchell Combined Planning Scheme Amendment C139

No	Submitter	Submission Summary	Summary Council Officer Response	Status
1	Goulburn Valley Water (GVW)	GVW provided no objection to Amendment C139.	Support noted; no response required.	No response required.
2	Affected neighboring landowner, former railway line (310 Arkells Lane, Bylands)	Considers the former railway line should remain within VicTrack ownership and continue to be within Public Use Zone 4 (Transport, PUZ-4).	Submission cannot be supported: <ul style="list-style-type: none"> - Submission not in accordance with <i>Form and Content of Planning Schemes</i>. - The majority of the PUZ-4 land is within private ownership. - The PUZ-4 is not utilised for rail trails, rezoning of land to Farming Zone will still allow for use of land for a rail trail should landowners agree. - The PUZ-4 cannot be utilised for acquisition of land. - The submission is not in accordance with the endorsed <i>Wallan to Heathcote Rail Trail Feasibility Study 2017</i> which specifies no compulsory acquisition of land for a potential rail trail. 	Unable to resolve – no changes proposed. Submission to be referred to Panel.
3	Department of Environment, Land, Water and Planning (DELWP) Hume Regional Planning Approvals	DELWP provided no objection to Amendment C139.	Support noted; no response required.	No response required.
4	Tract Consulting on behalf of Hidden Valley Pty Ltd	The Hidden Valley land manager utilises an unnamed road reserve for maintenance access to the north of the estate. Part of this road reserve is within Public Use Zone 4 and is proposed to be rezoned to Farming Zone. The submitter sought clarification regarding the ownership	Councils mapping system showed the area in question is a government road reserve. The submission was forwarded to a road reserve expert at DELWP who also advised that the land is a government road reserve. Hidden Valley have withdrawn their concern and support the amendment.	No further response required.

No	Submitter	Submission Summary	Summary Council Officer Response	Status
		and status of the road reserve due to concern the area may be sold and maintenance access prevented.		
5	EPA	The EPA provided no objection to Amendment C139. The EPA advised Council to ensure that the land proposed to be rezoned is suitable for any proposed use and associated development.	The proposed rezones seek to correct anomalies only. It is considered that the proposed rezones provide for suitable use and development of land.	No further response required.
6	Friends of the Bendigo-Kilmore Rail Trail.	The submitter raised similar issues to Submission 2.	Refer to Submitter 2 response.	Unable to resolve – no changes proposed. Submission to be referred to Panel.
7	Affected landowner, former railway line (510 Arkells Lane, Bylands)	Supports Amendment C139. Advises the Public Use Zone bisects their property. The submitter notes that the Ministerial Form and Content of Planning Schemes states that a planning scheme may only include land in a Public Use Zone if the land is Crown Land or is owned by, vested in, or controlled by a Minister, government department, public authority or municipal council. The submitter advises they do not support utilising the former railway land that bisects their property for a rail trail.	Submission supported.	Support is noted. Submission to be referred to Panel to support proposed zone correction in Bylands.
8	Goulburn Broken Catchment Management Authority (GBCMA)	The GBCMA provided no objection to Amendment C139.	Support noted; no response required.	No response required.

No	Submitter	Submission Summary	Summary Council Officer Response	Status
9	Affected neighboring landowner, former railway line (1020 Northern Highway, Bylands)	<p>The submitter owns land adjacent the former railway line. The submitter advises that they believed the former railway to be zoned General Farming and that the Public Use Zone is an error.</p> <p>The submitter advises that Public Use Zone can only be applied to land owned and controlled by government agencies.</p>	Submission supported.	Support is noted. Submission to be referred to Panel to support proposed zone correction.
10	Affected landowner, former railway line (2977 Epping-Kilmore Road, Bylands)	Advises the Public Use Zone bisects their property. The submitter does not consent to any public use of the land, and strongly objects to any use of their land for a rail trail.	Submission supported.	Support is noted. Submission to be referred to Panel to support proposed zone correction.

6.6 PLANNING PERMIT APPLICATION PLP117/19 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 3 DWELLINGS, A 4 LOT SUBDIVISION AND CREATION OF EASEMENTS AT 39 SYDNEY STREET, KILMORE

Author: Enes Bilgic - Statutory Planner

File No: PLP117/19

Attachments: Nil

Reference: PLP117/19

Property No.:	106614
Title Details:	Lot 1 on Title Plan 239801T (Volume 06690, Folio 936)
Applicant:	Bruce Mactier Building Designers
Zoning:	Commercial 1 Zone
Overlays:	Design and Development Overlay, Heritage Overlay
Objections Received:	Yes, 164 objections received at the time of this report
Cultural Heritage Management Plan Required:	Yes, a CHMP was provided
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 PLP117/19 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 3 DWELLINGS, A 4 LOT SUBDIVISION AND CREATION OF EASEMENTS AT 39 SYDNEY STREET, KILMORE (CONT.)

SUMMARY

A planning permit application has been received seeking approval for buildings and works for the construction of three dwellings, a four lot subdivision and the creation of easements at 39 Sydney Street in Kilmore. The subject land is located within the Commercial 1 Zone and is affected by the Design and Development Overlay (Schedule 4) and Heritage Overlay (Schedules 91 and 99).

The application was advertised via letters to adjoining landowners and occupiers and a sign was displayed on the site. A total of 164 objections have been received, at the time of writing this report.

SITE AND SURROUNDS

Subject Site Description

The subject site covers an area of approximately 2,129 square metres. The subject site has a frontage of 64.8 metres to Sydney Street, side boundary of 303.4 metres along the northern boundary and 330 metres along the southern boundary and a rear boundary fronting to Melbourne Street of 74.7 metres.

An existing concrete driveway with a width of 4.6 metres is located to the rear of the site with access to Melbourne Street.

Currently a single heritage building exists to the front of the site fronting Sydney Street.

There are some scattered trees that are planted which can be found throughout the subject site, otherwise the rear part of the site is vacant.

Surrounding Area

The majority of neighbouring properties are commercial in nature consisting of at least one building on each lot under the Commercial 1 Zone. The surrounding area is flat and moderately vegetated with trees.

Sydney Street flows through the centre of this commercial district under Road Zone Category 1. (Talk about various types of businesses along Sydney Street.)

Immediately west of the subject site, properties are residential in nature under the General Residential Zone – Schedule 1. The majority of properties contain one single storey dwelling and an associated outbuilding. There are also a few vacant residential lots. Properties are moderately to heavily vegetated and regular in shape.

The following facilities and services are within close proximity of the subject site:

- Kilmore Memorial Hall approximately 81 metres
- Kilmore Library approximately 167.78 metres
- Kilmore Bowls Club approximately 204 metres
- Hudson Park approximately 204 metres
- Kilmore War Memorial approximately 338 metres
- Hudson Park approximately 220 metres

PLANNING PERMIT APPLICATION PLP117/19 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 3 DWELLINGS, A 4 LOT SUBDIVISION AND CREATION OF EASEMENTS AT 39 SYDNEY STREET, KILMORE (CONT.)

- Kilmore Primary School approximately 400 metres
- Assumption College approximately 1 kilometres
- Kilmore East Train Station approximately 3 kilometres
- The Kilmore and District Hospital approximately 1.2 kilometres

PROPOSAL

It is proposed to construct three single story dwellings at the rear of an existing commercial building, subdivision of four lots and the creation of easements. The land is proposed to be subdivided into four lots. All lots which will be accessed from Melbourne Street via a common property driveway along the south boundary of the subject site with a width of 5.5 metres.

Details of the proposed dwellings and lots are as follows:

Dwelling & Lot 1

Located with direct frontage to Melbourne Street.

- The proposed dwelling will consist of three bedrooms, an open plan kitchen/meals area, study nook and family room and basic amenities on the ground floor.
- A double garage will be constructed at basement level under the dwelling with internal access through stairs.
- The proposed dwelling will be setback 4 metres from Melbourne Street, 2 metres from the northern boundary and 1.5 metres from the proposed rear boundary with a total floor area of 243.08 square meters and total height of 7.17 metres.
- There will be 15.49 square metres of secluded private open space nominated within the balcony, with access from the meals and living areas.
- The dwelling will be constructed with weatherboards and with selected Colorbond custom orb pitched roofing.
- Lot 1 will cover 337.51 square metres in area and is rectangular in shape.
- The site affords a frontage of 16.61 metres along Melbourne Street (western property boundary).
- The side boundaries are proposed to be approximately 20 metres with a rear boundary of 16.17 metres (eastern boundary).

Dwelling & Lot 2

Located at the rear of Dwelling 1 with access from a common property driveway.

- The proposed dwelling will consist of two bedrooms, an open plan kitchen/meals area, study room, family/living room and basic amenities.
- A double garage will be abutting the dwelling on the south elevation (front of dwelling) with internal access to the dwelling and rear yard.

PLANNING PERMIT APPLICATION PLP117/19 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 3 DWELLINGS, A 4 LOT SUBDIVISION AND CREATION OF EASEMENTS AT 39 SYDNEY STREET, KILMORE (CONT.)

- The proposed dwelling will be setback 1.5 metres from proposed western boundary, 1.5 metres from proposed rear (northern) boundary and 1.2 metres from proposed eastern with a total floor area of 177.92 square meters and total building height of 2.4 metre ceiling height with 22.5 degree pitched roof.
- There will be 27.80 square metres of secluded private open space located at the rear of the dwelling which includes an alfresco, with access from the meals and living areas.
- The dwelling will be constructed with weatherboards and with selected Colorbond custom orb pitched roofing.
- Lot 2 will cover 260.12 square metres in area and is square in shape.
- The site affords a frontage of 16.26 metres to the common property (southern property boundary).
- The side boundaries are proposed to be approximately 16 metres with a rear boundary of 16.25 metres (eastern boundary).

Dwelling & Lot 3

Located at the rear of Dwelling 2 with access from a common property driveway.

- The proposed dwelling will consist of two bedrooms, an open plan kitchen/meals area, study room, family/living room and basic amenities.
- A double garage will be abutting the dwelling on the south elevation (front of dwelling) with internal access to the dwelling and rear yard.
- The proposed dwelling will be setback 1.2 metres from proposed western boundary, 1.5 metres from proposed rear (northern) boundary and 3.354 metres from proposed eastern boundary with a total floor area of 177.92 square meters and total building height of 2.4 metre ceiling height with 22.5 degree pitched roof.
- There will be 71.30 square metres of secluded private open space located at the rear of the dwelling which includes an alfresco, with access from the meals and living areas.
- The dwelling will be constructed with weatherboards and with selected Colorbond custom orb pitched roofing.
- Lot 3 will cover 284.35 square metres in area and is rectangular in shape.
- The site affords a frontage of 18.39 metres to the common property (southern property boundary).
- The side boundaries are proposed to be approximately 15 metres with a rear boundary of 18.08 metres (eastern boundary).

Overall, the subject site will have a site coverage of 796.09 square meters with the proposed dwellings and existing commercial building. The subject site will have 48.67% permeable coverage.

Lot 4

- Lot 4 will cover a 916 square meters in area and is rectangular in shape.

PLANNING PERMIT APPLICATION PLP117/19 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 3 DWELLINGS, A 4 LOT SUBDIVISION AND CREATION OF EASEMENTS AT 39 SYDNEY STREET, KILMORE (CONT.)

- The site affords a frontage to Sydney Street of 19.99 metres (eastern boundary).
- The side boundaries are proposed to be approximately 45 metres with a rear boundary of 20.86 metres (western boundary).

Easements

- Both easements will be 2.5 meters wide and serve for sewage and stormwater infrastructure.
- Easement along southern boundary is proposed to be approximately 45 metres in length.
- Easement along northern boundary is proposed to be approximately 47 metres in length.

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 objectors 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 the application and submissions.

RECOMMENDATION

THAT Council officers provide a report in relation to Planning Application No. PLP117/19 for buildings and works for the construction of three dwellings, a four lot subdivision and the creation of easements at Lot 1 on Title Plan 239801T (Volume 06690, Folio 936), known as 39 Sydney Street, Kilmore.

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 14 April 2020 at John Taylor Room, Kilmore.

11 CLOSE OF MEETING