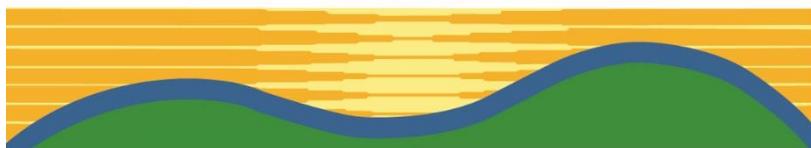


MITCHELL SHIRE COUNCIL



**COMMUNITY QUESTIONS
AND HEARINGS COMMITTEE**

AGENDA

MONDAY 13 MAY 2019

7.00pm

NOTICE IS HEREBY GIVEN that **Community Questions and Hearings Committee** of the Mitchell Shire Council will be held at **Mitchell Civic Centre, 113 High St, Broadford, on Monday 13 May 2019** commencing at **7.00pm**.

**DAVID TURNBULL
CHIEF EXECUTIVE OFFICER**

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1 WELCOME AND GOVERNANCE DECLARATION

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

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

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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

RECOMMENDATION

THAT the Minutes of the Community Questions and Hearings Committee held 8 April 2019, as circulated, be confirmed.

5 GOVERNANCE AND CORPORATE PERFORMANCE

5.1 CONSIDERATION OF THE SALE OF LAND IN POWLETT STREET KILMORE

Author: Teresa Hendy - Property Officer

File No: CP/05/040

Attachments: 1. Powlett Street Land Since 2004
2. Overview of Powlett Street Land
3. Submission Received.

Reference: CM19/15

SUMMARY

Council owns a small parcel of land located on the western side of Powlett Street, Kilmore. The land has been in the ownership of Council (Shire of Kilmore, Mitchell Shire Council) since 1990.

A report to the Ordinary Council Meeting of 18 February 2019 sought the support of Council to consider the sale of land occupied by Kilmore Central Ford since the opening of their car dealership business and forms part of the display yard, and for the support of Council to commence the first step in this process by giving public notice of the proposed sale.

Public Notice has been given and one submission was received in response to the Public Notice, with the submitter requesting to be heard by the Community Questions and Hearings Committee.

RECOMMENDATION

THAT Council officers provide a future report to Council in relation to the proposed sale of land in Powlett Street, Kilmore following the Community Questions and Hearings Committee.

BACKGROUND

As previously reported Council owns a small lineal parcel of land (the land) with an area of 572m² which runs parallel to Powlett Street and is located on the corner of Powlett and Broadhurst Streets. This is Lot 1 on title Plan 198737Y – Volume 10011 Folio 804 – which came into the ownership of the Shire of Kilmore in 1990. The land is zoned Commercial 2 Zone as is the land to the north and south along Powlett Street. The land dimensions are 81.72m (east boundary), 81.70 (west boundary) x 7m wide. The title details are in Attachment 1.

Central Ford incorporated the land into the area managed by the dealership prior to 2004 and have continued to use the land as part of their display area. They have also added infrastructure to the land including light towers, bollards and hard sealed the area.

CONSIDERATION OF THE SALE OF LAND IN POWLETT STREET KILMORE (CONT.)

A search of records relating to the land and Broadhurst Street has shown that in 2003, just prior to Council amalgamations, the dealership approached Council to acquire the land however there is no subsequent recorded response from Council. The request to acquire the land was for a 'nominal consideration' in exchange for works, however this did not eventuate.

Council's earliest aerial mapping in 2004 shows the land incorporated into the car display area, with the area having works carried out over time along with the land in the dealer ownership. The Council land has three lighting towers erected on it and bollards along the frontage to Powlett Street and Broadhurst Street. There is no record of consent from Council for these works. Attachment 2 shows an overview of the Powlett Street land and Attachment 3 shows the changes on the land since 2004.

As can be seen from the aerial mapping, a footpath exists within the western Powlett Street road reserve along the front of the land from Broadhurst Street to the front of the Kilmore Mitre 10 store.

ISSUES AND DISCUSSION

Initial contact was made with the Ford dealership, Preston Motors Pty Ltd., regarding the occupation of Council's land, resulting in the dealership expressing an interest in acquiring the land.

The land aligns along the eastern boundary with the private freehold land to the north and south along Powlett Street and therefore the land has no bearing on the alignment of the road or its management. It is noted that Powlett and Broadhurst Streets, along with the other older roads in this part of Kilmore, are Government Roads under the management of Council.

The land is exempt from adverse possession claims regardless of the time of occupation and Council may choose to sell the land. Council currently bears full liability for any accident or injury to person or property that occurs on this parcel of land.

CONSULTATION

Consultation with relevant staff indicated no objection to the proposal subject to meeting certain requirements to plan for future road management and safety. Staff requested that a condition of the sale of the land be the protection of the sight lines for vehicles turning out of Broadhurst Street (west) into Powlett Street. This is proposed through the registration of a/s 173 Agreement on the land title which would prohibit the erection of signage, wall, fence or other construction which would block the sight line for drivers turning from Broadhurst Street into Powlett Street or across Powlett Street.

A request for comment was also made to VicRoads. Powlett Street is controlled by VicRoads but under Council management as the road is within the 60km speed zone. The comment provided by VicRoads assumes that the land proposed to be sold may form part of the road reserve however this is not the case.

The property boundary for the Powlett Street land is in exact alignment with the service station to the south and the hardware store and police station to the north. Powlett Street could only be widened through compulsory acquisition of land along the full length of Powlett Street. Vic Roads did not make a submission against the proposed sale when the public consultation notice (s223) was advertised.

CONSIDERATION OF THE SALE OF LAND IN POWLETT STREET KILMORE (CONT.)

It is highly unlikely that the Council owned land is suitable for a specific entrance or place making project given its limited area and its location directly adjacent to the car dealership. There is sufficient room along the existing road reserve for tree planting or other enhancement of the road entrance way leading into the core of the Kilmore township.

Relevant staff within Strategic Planning have not raised objections regarding the sale as there are no foreseeable impacts on the strategic intent for the road and town.

Public notice of the consideration to sell the land was given under the *Local Government Act 1989* (the Act) by the publication of a notice in the North Central Review of 26 February 2019 and placing the notice on Council's website, with submissions invited under section 223 of the Act until Friday 29 March 2019.

Council has established the Community Questions and Hearings Committee to hear and report to Council on submissions received by Council under section 223 of the *Local Government Act 1989*.

In response to the Public Notice, one submission was received dated 22 March 2019, with the submitter requesting to be heard in person in support of their submission. The submitter was invited to make their submission to the Community Questions and Hearings Committee of 13 May 2019. The submission is attached to this report (Attachment 3)

In summary, the attached submission states that the land under consideration to be sold was to have formed part of a service road along Powlett Street and requests that the service road be reinstated. If the sale were to go ahead, the submission requests that the land being sold is 'exchanged' for similar sized land to be used for a pocket park in the area to the south of Lancefield Road and west of Powlett Street due to the lack of parkland in this area.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

As the land is a lot rather than a reserve vested for open space, drainage or other purpose, there would be no changes required to the land status to enable the sale. The land is a very small parcel which by itself could serve no obvious purpose for Council operations or services and it does not form part of any strategic function or plan.

In their expression of interest to purchase the land, Preston Motors have indicated that they would meet all costs associated with the purchase which would be for Council's giving of public notice and the title office and legal costs.

POLICY AND LEGISLATIVE IMPLICATIONS

The sale of the land in Powlett Street is consistent with Council's policies, including Council's Property Holding, Acquisition and Disposal Policy 2019 (Draft), Asset Disposal Policy 2014, Infrastructure Asset Management Policy 2010 – Revision 2015 and Asset Management Strategy 2010 – Revision 2015 and the requirements of the *Local Government Act 1989*.

CONSIDERATION OF THE SALE OF LAND IN POWLETT STREET KILMORE (CONT.)

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?
<p>Should there be an incident on the land, Council would be wholly liable for any resulting claim.</p> <p>The risk associated with the land, particularly given the degree of public access, is medium to high with an insurance claim excess of \$20,000.</p>	Medium - High	Dispose of the land.	Will need to consult with the community and, should Council support the sale, employ external parties. All expenses would be met by the purchaser.
<p>Asset Management – the current use of the land is not a suitable use for Council owned property and offers no benefit to the community, the land is not maintainable by Council, the condition of the land cannot be guaranteed, and it offers no serviceable value into the future.</p>	Medium	Dispose of the land.	Will need to consult with the community and, should Council support the sale, employ external parties. All expenses would be met by the purchaser.
<p>An insurance claim would expose the occupation of Council's land by another party without any consents for occupation or benefit to the community.</p>	Medium	Dispose of the land.	Will need to consult with the community and, should Council support the sale, employ external parties. All expenses would be met by the purchaser.
<p>If disposal of the land was not pursued and the land was instead leased to the dealership, Council</p>	High	Dispose of the land.	Will need to consult with the community and, should Council support the sale,

CONSIDERATION OF THE SALE OF LAND IN POWLETT STREET KILMORE (CONT.)

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
would still retain a medium to high risk due to the various factors outlined above and being a joint party to any claim regardless of any indemnification.			employ external parties. All expenses would be met by the purchaser.

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

There are no known or anticipated social or environmental impacts due to the sale of the land. It is unlikely that there would be any changes to the land use or management as a result of the sale.

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

There would be no known or anticipated impacts on children or young people as a result of the sale of the land.

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

The land proposed to be sold in Powlett Street, Kilmore has been occupied by another party for a significant length of time. The land has not been used for, and it is unlikely that it could be used for, a Council operational or community purpose and it is not part of a current strategic plan.

Given the high risk that Council carries by retaining ownership of the land, it is pragmatic to reduce Council's risk and additionally raise revenue by the sale of the land.

As part of the transparent process of consultation with the community, Public Notice has been given for the proposal with one submission being received for the consideration of the Community Questions and Hearing Committee.

CONSIDERATION OF THE SALE OF LAND IN POWLETT STREET KILMORE (CONT.)

MITCHELL SHIRE COUNCIL

Community Questions and Hearings Committee Meeting Attachment

GOVERNANCE AND CORPORATE PERFORMANCE

13 MAY 2019

5.1

CONSIDERATION OF THE SALE OF LAND IN POWLETT STREET KILMORE

Attachment No: 1

Powlett Street Land Since 2004

Council land 119-125 Powlett Street Kilmore

2004



2010/2012 (Nearmaps)



2015



2017



2018



MITCHELL SHIRE COUNCIL

Community Questions and Hearings Committee Meeting Attachment

GOVERNANCE AND CORPORATE PERFORMANCE

13 MAY 2019

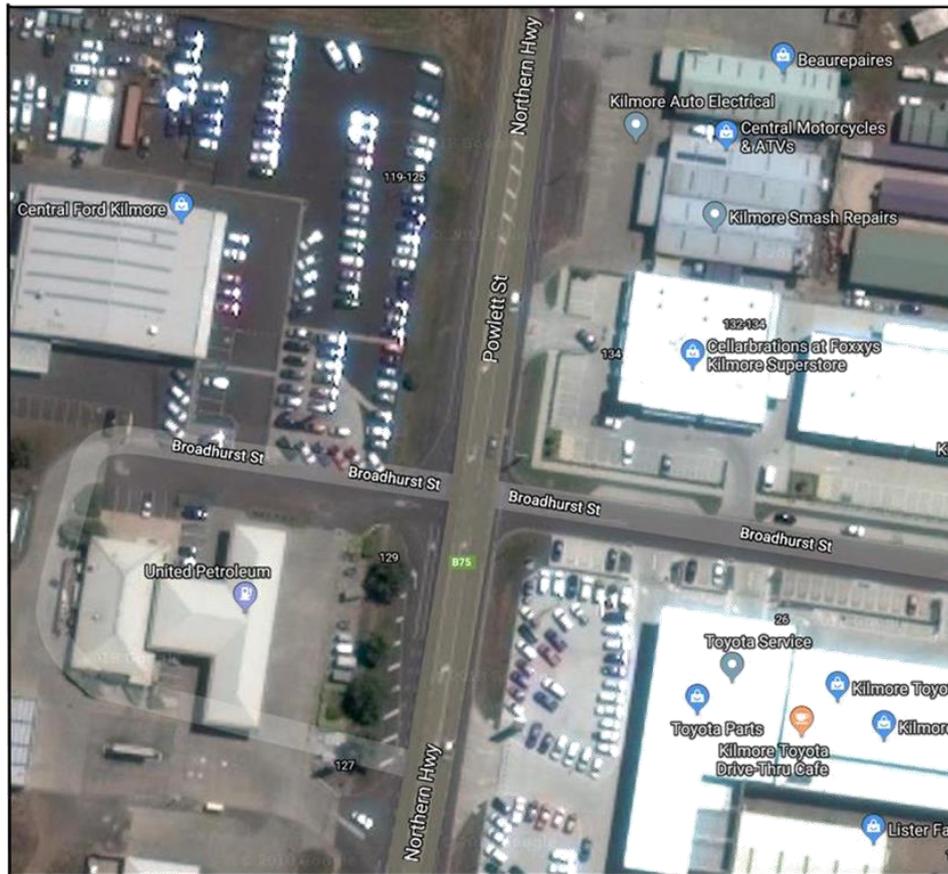
5.1

CONSIDERATION OF THE SALE OF LAND IN POWLETT STREET KILMORE

Attachment No: 2

Overview of Powlett Street Land

Overview of Kilmore Central ford (from Google maps)



Council land outlined in blue – Lot 1 on TP198737

Part of 119-125 Powlett Street Kilmore



Council land outlined in blue



MITCHELL SHIRE COUNCIL

Community Questions and Hearings Committee Meeting Attachment

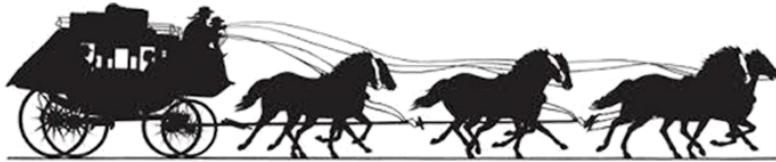
GOVERNANCE AND CORPORATE PERFORMANCE

13 MAY 2019

5.1

CONSIDERATION OF THE SALE OF LAND IN POWLETT STREET KILMORE

**Attachment No: 3
Submission Received.**



**Kilmore and District Residents & Ratepayers Association Inc.
(KADRRA) PO Box 527 Kilmore VIC 3764**

Friday, 22 March 2019

Planning Department
Mitchell Shire Council
113 High St.
Broadford
VIC 3658

Re: 119-125 Powlett St (Part) Kilmore, Lot 1 on Title Plan 198737Y

KADRRA represents Kilmore and district residents in seeking the best outcome for the use of this land. KADRRA wishes to make a submission about the intention to sell the above land to the owners of the balance of the land at 119-125 Powlett St.

This linear strip of land was originally to be used as part of a service road to the West and parallel to Powlett St. Our first preference would be for this service road to be re-instated. If it could start on the East side of the Ford property and continue to the North end of 119-125 Powlett St it could still be of great benefit for residents. Access to Powlett St would be more regulated and safer. A service road would be safer for pedestrians and cyclists. In this section, Powlett St is narrow. As the community grows with more traffic the current width will be inadequate.

If Council decides not to agree to this suggestion we would recommend that the linear strip on this property be exchanged for a regular block of 572 square metres size to be used for a pocket park in Kilmore so that small children can play. Currently in Kilmore there is no parkland South of Lancefield Rd on the West side of Powlett St. Many of the housing blocks further to the South are large but some are already being subdivided into smaller blocks. For the many families in the area with small children this is totally unsatisfactory.

I request to be heard at the Council Hearing. Should I be unavailable for that date I would wish to nominate another member of our association prior to the hearing date.

Yours faithfully

A handwritten signature in black ink that reads "D. A. Radden Rose". The signature is written in a cursive, flowing style.

Anne Radden Rose

Chair KADRRA Planning Committee

5.2 PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE

Author: Teresa Hendy - Property Officer
Nicole Maxwell - Manager Finance and Assets

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

Attachments: 1. Area proposed to be declared public highway

Reference: CM18/307

SUMMARY

The ownership and management of the land adjacent to the constructed road (Wandong Avenue) has long been the subject of uncertainty (area shown in Attachment 1).

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

This report follows Council Reports from 15 October 2018, 18 February 2019 and 15 April 2019 which discussed issues associated with the land on both sides of Wandong Avenue where the road abuts Rail Street.

The recommendations of the Council Reports are as follows:

15 October 2018

THAT Council:

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

18 February 2019

THAT Council:

1. Determine that the area shown in Attachment 1 of this report, being the northern section of Wandong Avenue adjacent to Rail Street, is reasonably required for

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

- public use, both for immediate vehicle and pedestrian use and to allow for future planning for public, Council and utility uses and services.
2. Authorise the giving of public notice to give effect to Recommendation 1, by the publication of a notice of declaration of public highway under section 204(1) of the *Local Government Act 1989* of the area shown in Attachment 1 of this report in the *Victoria Government Gazette*.
 3. After the giving of public notice, authorise the preparation of a title Plan for the land declared as public highway and application by Council to become the registered proprietor of the land declared as public highway, as shown in Attachment 1 of this report.

Following the Council meeting of 18 February 2019, it came to light that Officers inadvertently did not provide all parties the opportunity to be heard in accordance with Section 223 of the *Local Government Act 1989* and that a new resolution on the matter of declaring Part Wandong Road a Public Highway would be required after submitters had the opportunity to be heard by the Community Questions and Hearings Committee.

The Council resolution of 18 February 2019 could not be acted upon without having provided procedural fairness as is required by the Act, therefore this required Council to consider the proposal anew.

The subsequent report of 15 April 2019 proposed a way forward to ensure that the submissions were treated in accordance with the Act and Council could advance to make a new resolution once they had considered all submissions, written and verbal.

The resolution of the Meeting of 15 April 2019 is as follows:

15 April 2019

THAT Council:

1. Reconsider the decision made at the Ordinary Council Meeting of 18 February 2019, Item 2, which gives effect to the declaration of public highway of part of Wandong Avenue (as shown in Attachment 1), noting that Council cannot proceed with the resolution having not fulfilled its requirements under the *Local Government Act 1989* to provide opportunity for submitters to be heard in accordance with section 223 of the *Local Government Act 1989*.
2. Officers invite the submitter and all other objectors who wished to be heard in support of their submission made in regards to the proposed declaration of public highway of part Wandong Avenue to the meeting of the Community Questions and Hearing Committee meeting scheduled for Monday 13 May 2019.
3. Hear the submitters at the Community Questions and Hearings Committee and report back to Council with a full representation of the submitter's views and concerns.

This report provides the background and information around the proposal for the declaration as public highway of part of Wandong Avenue to inform the consideration

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

of the proposal in conjunction with the submission/s to the Community Questions and Hearings Committee.

RECOMMENDATION

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

BACKGROUND

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

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

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

ISSUES AND DISCUSSION

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

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

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

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

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

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

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

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

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

CONSULTATION

In order to enable the application to transfer the land encompassing the road to Council and have the title registered in Council's ownership, a number of statutory processes must be undertaken.

Certain decisions of Council are required to be considered according to the formal process under section 223 of the *Local Government Act 1989*. These include the proposed declaration of a public highway.

In accordance with the resolution carried at the Council Meeting of 15 October 2018, Public Notice was given in the North Central Review on Tuesday 30 October 2018, inviting submission up to Friday 30 November 2018. Written submissions would be received and submitters able to present to a meeting of the Community Questions and Hearings Committee (the Committee) if they so wished.

Whilst not required by the Section 223 process, in the interests of transparency letters were also sent to adjacent land owners and occupiers advising of the proposal and the public notice.

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

In response to the public notice, there were five submissions received, with one objection to the proposal and four responses supporting the proposal. The person making objection requested to be heard at a meeting of the Community Questions and Hearings Committee. Correspondence acknowledging receipt of the objection and

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

advising of the process to book a time to attend the Community Questions and Hearings Committee meeting in support of their submission was mailed to the submitter on 22 November 2018.

Council inadvertently addressed the letter to the submitter to an old residential address, and as such the submitter did not receive the invitation, and therefore did not have the opportunity to attend the meeting as required under section 223 of the *Local Government Act 1989*.

As a result of not receiving the invitation to attend the December meeting of the Committee, the submitter did not receive procedural fairness by being able to make their submission and present their views in person, which should then have been taken into consideration in the subsequent resolutions of Council at the meeting of 18 February 2019.

Prior to the publication of the Public Notice of the declaration of public highway being made in the *Victoria Government Gazette*, it became known that the submitter who made the objection did not receive the invitation to the December Committee meeting. The gazettal notice has therefore not been published.

It is imperative that, in the interests of fulfilling Council's statutory procedural obligations and to ensure transparency, Council makes a newly considered decision regarding the proposed declaration of public highway after the submitter has had the opportunity to make their submission to the Committee.

The Committee needs to then consider the submission anew. This will ensure that the matter is considered afresh with impartiality and openness.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

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

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

The application to transfer the title to Council ownership may be needed to be undertaken by a legal representative due to the registration and representation

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

requirements of the title office for the transfer of titles. However Council may be able to undertake the process due to the vesting as a result of the Gazettal Notice.

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

POLICY AND LEGISLATIVE IMPLICATIONS

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

RISK IMPLICATIONS

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

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

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

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

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

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

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

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

CHARTER OF HUMAN RIGHTS IMPLICATIONS

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

CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no direct implications for children and young people however, it could be reasoned that securing the Land for possible infrastructure such as footpaths may assist with the safety of pedestrians, particularly young children, when walking along

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

roads which will only get busier as time goes on and the vehicle numbers increase along with the population.

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

The discrepancy surrounding the ownership and management of the land abutting the northern section of Wandong Avenue has led to conflict and anomalies in the way the land has been used and developed, which includes the grounds of the submitter who wished to be heard at a meeting of the Community Questions and Hearings Committee.

Prior to any resolution of the matter, any submission/s received in response to the Public Notice must be considered carefully and weighed up prior to Council making a decision on this matter.

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

MITCHELL SHIRE COUNCIL

Community Questions and Hearings Committee Meeting Attachment

GOVERNANCE AND CORPORATE PERFORMANCE

13 MAY 2019

5.2

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

Attachment No: 1

Area proposed to be declared public highway

Attachment 1

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



6 DEVELOPMENT AND INFRASTRUCTURE

6.1 PLANNING PERMIT APPLICATION PLP212/18 FOR THE USE AND DEVELOPMENT OF THE LAND FOR TRADE SUPPLIES AND RESTRICTED RETAIL PREMISES, ALTERATION OF ACCESS TO A ROAD ZONE - CATEGORY 1, REDUCTION OF BICYCLE PARKING REQUIREMENTS AND DISPLAY OF SIGNAGE AT 63 ANZAC AVENUE SEYMOUR

Author: *Holly Sawyer - Senior Statutory Planner*

File No: *PLP212/18*

Attachments: *Nil*

Property No.:	100083
Title Details:	Lot 5 on Plan of Subdivision 310138R Volume 10048 Folio 943
Applicant:	Peninsula Planning Consultants Pty Ltd
Zoning:	Industrial 1 Zone
Overlays:	None
Objections Received:	17, at the time of this report
Cultural Heritage Management Plan Required:	No, the subject site is not located within an area of Aboriginal Cultural Heritage Sensitivity
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



PLANNING PERMIT APPLICATION PLP212/18 FOR THE USE AND DEVELOPMENT OF THE LAND FOR TRADE SUPPLIES AND RESTRICTED RETAIL PREMISES, ALTERATION OF ACCESS TO A ROAD ZONE - CATEGORY 1, REDUCTION OF BICYCLE PARKING REQUIREMENTS AND DISPLAY OF SIGNAGE AT 63 ANZAC AVENUE SEYMOUR (CONT.)

SUMMARY

The application is seeking approval for the use and development of the land for trade supplies and restricted retail premises (Bunnings Warehouse), alteration of access to a Road Zone – Category 1, reduction of bicycle parking requirements and display of signage. The land is located within the Industrial 1 Zone of the Mitchell Planning Scheme, with no overlays affecting the site.

The application was advertised via letters to adjoining landowners and occupiers and those within the surrounding area. Two signs were also displayed on the subject site (one fronting Victoria Street and the other fronting Anzac Avenue). A total of 17 objections have been received at the time of writing this report. .

SITE AND SURROUNDS

Subject Site Description

The subject site is located on the northeast corner of Anzac Parade and Victoria Street, with frontages to both streets. The site area is 9,341 square metres and is irregularly shaped. The site contains the Ansett's Knitting Mill factory, which has most recently been used for car sales and as a vehicle depot. A dwelling is also located on the site, to the east of the factor building, and an old hall which was used in association with the Ansett's Knitting Mill to the north of the factory.

Access to the site is currently obtained via a crossover at the south-western corner of the site, at the intersection of Anzac Avenue and Victoria Street. Two additional crossovers are located along Victoria Street. The site is relatively flat, with vegetation within the subject site consisting of planted species around the old hall and dwelling.

The Ansett's Knitting Mill factory building is an example of mid-century industrial design, with a brick façade fronting onto Anzac Avenue and Victoria Street and a saw-tooth roof. The site is not affected by a Heritage Overlay.

Surrounding Area

The subject site is located along Anzac Avenue, which contains a mix of residential and commercial interfaces within the eastern part of the Seymour township. Immediately west of the site there are residences fronting Anzac Avenue and Victoria Street. These lots contain single detached dwellings.

Anzac Avenue forms part of the Goulburn Valley Highway, linking the township with Yea to the east and Shepparton to the north (via Tallarook Street and Emily Street). Anzac Avenue is a dual lane carriageway under VicRoads management. There is a central reserve splitting the east-west lanes. An ANZAC war memorial is located within the central reserve approximately 90m to the east of the subject site, with a number of native trees planted along the central reserve for the length of the Avenue.

Victoria Street is a predominantly residential street, with the northern end of the street containing a wide intersection between Watson and Wimble Street. Wimble Street connects to the truck route along Oak Street to the east.

PLANNING PERMIT APPLICATION PLP212/18 FOR THE USE AND DEVELOPMENT OF THE LAND FOR TRADE SUPPLIES AND RESTRICTED RETAIL PREMISES, ALTERATION OF ACCESS TO A ROAD ZONE - CATEGORY 1, REDUCTION OF BICYCLE PARKING REQUIREMENTS AND DISPLAY OF SIGNAGE AT 63 ANZAC AVENUE SEYMOUR (CONT.)

West:

Along Anzac Avenue is small commercial shopping strip containing a sporting goods store, a hardware store, a number of food and drink premises and other retail/office uses. Behind the commercial strip is a residential.

South:

A residential neighbourhood consisting of a mix of later 19th century and early twentieth century dwellings. Seymour P-12 College is also located further south of Loco Street.

East:

A mix of industrial, commercial and office uses. Seymour Field and Game is located to the immediate east of the site, with AusNet also having offices adjacent to the subject site. Wine x Sam is located on the corner of Anzac Avenue and Oak Street and is contained within the old Seymour Dye Works. A commercial strip is located along Anzac Avenue east of Oak Street.

North:

A Salvation Army Hall and retail premises is immediately to the north, along with a number of residential properties and a kindergarten. The kindergarten is located approximately 115 metres to the north of the subject site.

PROPOSAL

The application is seeking approval for the use and development of the land for a restricted retail premises and trade supplies (Bunnings Warehouse), alteration of access to a Road Zone – Category 1, reduction of bicycle parking requirements and display of signage.

Opening hours were not provided as part of the application.

25% of the floor area is considered to be under the land use restricted retail premises with the remaining area land used for trade supplies.

Area

The Bunnings Warehouse site is a total of 4798 square metres and consist of the following:

- Main warehouse (2,425.58 square metres);
- Bagged goods canopy (464.79 square metres);
- Outdoor nursery (422.45 square metres); and
- Timber trade supplies (1,458.55 square metres).

Setbacks

Along Anzac Avenue (south elevation), the garden supplies and bagged good is built to the boundary. The main warehouse will have a 6 metres setback to the southern boundary, 2.58 metres setback to the western boundary, 14.2 metres to the eastern boundary and a 6.947 metres setback to the northern boundary.

PLANNING PERMIT APPLICATION PLP212/18 FOR THE USE AND DEVELOPMENT OF THE LAND FOR TRADE SUPPLIES AND RESTRICTED RETAIL PREMISES, ALTERATION OF ACCESS TO A ROAD ZONE - CATEGORY 1, REDUCTION OF BICYCLE PARKING REQUIREMENTS AND DISPLAY OF SIGNAGE AT 63 ANZAC AVENUE SEYMOUR (CONT.)

Maximum Height

The warehouse will have a maximum height of 8.323 metres (two storey section containing the offices), with the trade supplies to contain a maximum height of 6.271 metres.

Materials and Finishes

The external materials are to consist of the standard Bunnings green cladding, with white and red business identification signage (to read: Bunnings) to the walls of the structure.

Advertising Signage

The Bunnings branding is to be displayed on all elevations. The 'lowest prices everyday...' slogan is also to be displayed on the northern and western elevations.

A pylon sign is also proposed along the southern boundary of the subject site. The pylon sign is proposed to measure a maximum of 9m in height and 4m in width. This sign is proposed to be floodlit from the top of the sign and will contain the word 'Bunnings' with the corporate red hammer logo. Floodlighting is also proposed to the eastern, southern, western and northern signage.



(3D rendering of the proposed Bunnings warehouse from Anzac Avenue, supplied by the applicant).

Access, Car & Bicycle Parking, Delivery & Loading, Waste

- **Car Parking:** A total of 75 car parking spaces. Access to the car park will be via a left in/out from Anzac Avenue and a new crossover on Victoria Street.
- **Bicycle Parking:** Five bicycle spaces are proposed to be located on south east corner of the car park.
- **Delivery & Loading:** The delivery bay is located fronting Victoria Street, with two designated crossovers. The delivery bay is screened with a metal cladding wall.
- The traffic impact assessment submitted with the application indicated that between 13 and 18 deliveries would be made to the proposed store each

PLANNING PERMIT APPLICATION PLP212/18 FOR THE USE AND DEVELOPMENT OF THE LAND FOR TRADE SUPPLIES AND RESTRICTED RETAIL PREMISES, ALTERATION OF ACCESS TO A ROAD ZONE - CATEGORY 1, REDUCTION OF BICYCLE PARKING REQUIREMENTS AND DISPLAY OF SIGNAGE AT 63 ANZAC AVENUE SEYMOUR (CONT.)

weekday (including waste collection vehicles) between the hours of 7am and 4pm. Delivery trucks would consist of a mix of semi-trailer, rigid trucks and small vehicles (including utes and vans). No deliveries are proposed to occur on Saturday or Sunday. Peak vehicle traffic (customer) is expected to be generated between Friday afternoon and Saturday from 12pm-1pm.



(Proposed delivery bay, as supplied by the applicant).

- **Waste:** Waste collection is proposed to also occur within the delivery & loading area, with waste collection vehicles measuring 8m to 10m in length and able to manoeuvre within the loading area.

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 to Council in relation to Planning Application PLP212/18 for the use and development of the land for a trade supplies and restricted retail premises, alteration of access to a Road Zone – Category 1, reduction of bicycle parking requirements and display of signage at 63 Anzac Avenue, Seymour.

6.2 PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR

Author: Amy King - Statutory Planner

File No: PLP186/18

Attachments: Nil

Reference: PLP186/18

Property No.:	103759
Title Details:	Lot 2 on PS409317R (Volume 10346 / Folio 043)
Applicant:	Peyton Waite Pty Ltd
Zoning:	General Residential Zone – Schedule 1
Overlays:	Nil
Objections Received:	4
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

(Aerial image of subject site – 8 Ridd Court, Seymour)

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

SUMMARY

Planning permit application PLP186/18 was received by Council for a multi-lot subdivision of the land at 8 Ridd Court in Seymour. The site is zoned General Residential Zone with no overlay controls applicable.

The application was publicly notified via letters to adjoining landowners and occupiers and a sign on the property frontage. Four objections were received.

SITE AND SURROUNDS

Subject Site Description

The subject site 8 Ridd Court, Seymour (legally described as Lot 2 on PS409317R, Volume 10346 / Folio 043) is irregular in shape and found on the eastern side of Ridd Court, Seymour. The site has an overall lot area of 1.765ha with a frontage of 16m to Ridd Court (western property boundary) and combined depth of 159.6m (southern property boundary).

The site contains a single, existing dwelling which is found adjoining the eastern property boundary. A gravel driveway traverses the site from the Ridd Court frontage to the dwelling location. The site is devoid of any native vegetation and has gentle topography.

The site is located approximately 110m from the intersection of Tarcombe Road and Ridd Court and is within the Seymour township.

Surrounding Area

The surrounding area is characterised by single detached dwellings, which are developed to the immediate north, west, and south of the subject site. These are generally on small allotments varying from between 600sqm – 800sqm to the west and south, and 1.39ha to the immediate north. Land found south of Tarcombe Road is currently under development for residential subdivisions.

Further east of the site is the Seymour Pony Club, which is maintained and used for horse activities. Scattered and patches of vegetation is found throughout the surrounding area including along road reserves, drainage lines and within property boundaries.

PROPOSAL

The proposal seeks to obtain planning permission for a multi-lot subdivision. Specifically, this includes:

- The creation of 20 lots ranging from 554sqm – 1,538sqm (Refer Attachment 1).
- It is proposed to retain the existing dwelling within Lot 13. All other lots are proposed to be vacant.
- All lots are proposed to be accessed via a new road, which is to traverse centrally through the site, terminating at the northern property boundary (with the ability to connect to future development if required). An internal turning circle is also provided within the road to allow for vehicles to manoeuvre and exit back to Ridd Court.

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

- No native vegetation is to be lopped, destroyed or removed as part of the subdivision or associated works.



(Proposed subdivision)

HEARING AND CONSIDERATION OF SUBMISSIONS

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

The applicant and 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 to Council in relation to Planning Application PLP186/18 for the subdivision of the land at 8 Ridd Court, Seymour.

6.3 PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN

Author: Mathew Mertuszka - Principal Planner

File No: PLP344/18

Attachments:

1. Relevant Policies
2. Plans - Under Separate Cover
3. Rescode Assessment

Property No.:	PLP344/18
Title Details:	Lot 1 on Plan of Subdivision 200848M
Applicant:	M Property
Zoning:	General Residential Zone – Schedule 1
Overlays:	Nil
Objections Received:	6 objections received at the time of this report
Cultural Heritage Management Plan Required:	No, not in an area of aboriginal cultural heritage significance
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN (CONT.)

SITE MAP



SUMMARY

The application is seeking to construct seven dwellings on a lot. The proposal will result in six double storey dwellings and one single storey dwelling. The existing dwelling on the land will be demolished. This application must be decided at a Council in accordance with Council's instrument of delegation for receiving 4 or more objections during public notification.

The lot has an area of 1,998 square metres (sqm) and is located on the northern side of McCarthy Court, Wallan.

The application was advertised by posting notices to adjoining property owners and occupiers and posting a sign on the premises. A total of six objections have been received. The concerns raised related to overdevelopment of the site, lack of on street car parking and footpaths, failure to comply with neighbourhood character, overlooking concerns, loss of amenity due to size, bulk of the development, generation of increased traffic and noise and loss of established trees.

Given the residential zoning, existing services and the site's location within an easy walking distance of the Wallan Town Centre, public transport, schools, and parks, this provides for an appropriate context to increase residential densities.

In officer's assessment the proposal demonstrates compliance with the relevant policies and provisions of the Mitchell Planning Scheme. It is therefore recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN (CONT.)

SITE AND SURROUNDS

Subject Site Description

The subject land is legally described as Lot 1 on Plan of Subdivision 200848M and is located at 7 McCarthy Court, Wallan. The land has an area of 1,998sqm, is rectangular with a slightly curved frontage. The land is currently occupied by a dwelling and outbuildings, with vegetation along the boundary and in the rear. The land has a slight slope towards the north and is accessed via a single gravel crossover to McCarthy Court to the south.

Planning Background

A Search of Council electronic record keeping system indicates that no planning permit related histories exist for the subject land.

Title/Restrictions/Agreements

A 3-metre-wide easement for sewage and drainage is located at the rear of the lot.

Surrounding Area

The subject site is located approximately 1,000 metres walking distance from the Wallan Town Centre which contains retail, community and recreational facilities. Public transport is available in the area, with a bus service running along Watson Street providing connection to Wallan Train Station. The Wallan Train Station is located 2km from the lot.

Land immediately surrounding the subject site is within the General Residential Zone and developed for residential purposes. Lots along McCarthy Court range from 650sqm - 1650sqm in area.

The neighbourhood character is predominantly single storey dwellings of brick veneer or weatherboard construction, with hip roof forms and a car parking area, including garages. Dwellings have varying front and side setbacks. Front fences are evident in the area. There is no significant landscaping or vegetation on the subject site.

PROPOSAL

The proposal is seeking to develop the land with 7 dwellings, 6 double storey and 1 single storey. All dwellings will have 3 bedrooms, except for dwelling 2 which will have 2 bedrooms.

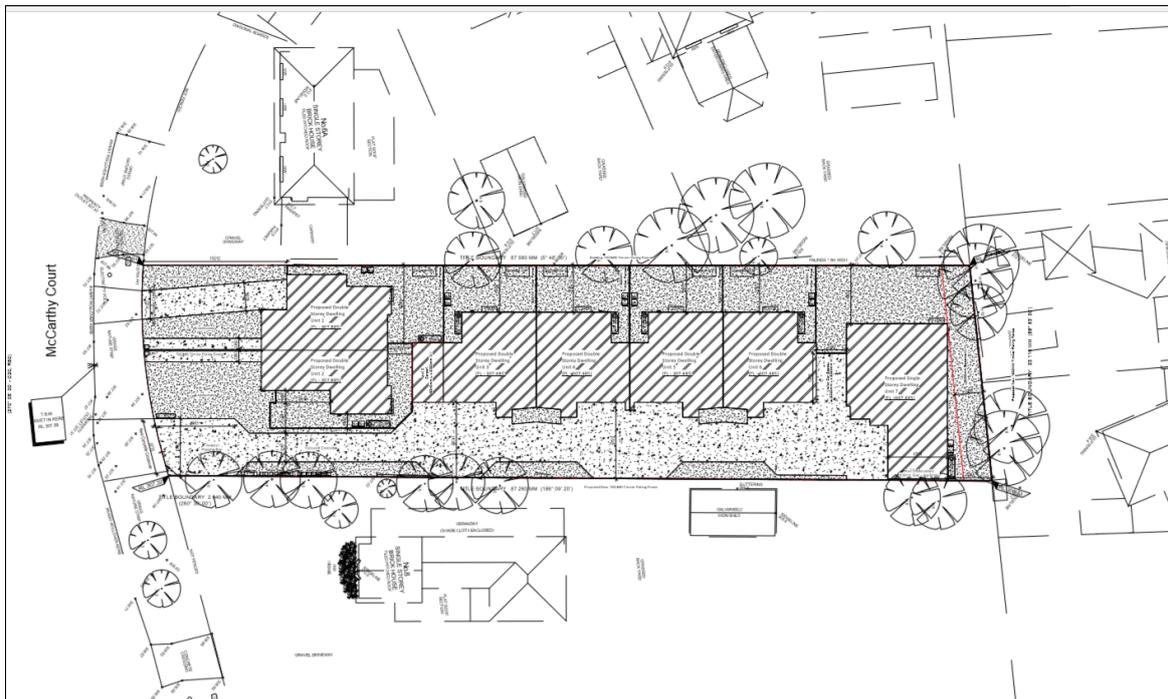
The overall maximum wall height of the development is 6.14 metres above finished floor level with a flat roof.

Externally the development is finished in a mix of modern materials, including concrete roof tiles, mixture of render and panelling for the exterior walls and colorbond for fascia, gutter and downpipes. All finishes are muted and earthy tones.

Two vehicle crossovers are proposed to service the site, one of which leads to an internal common property area servicing dwellings 3 to 7. 1 visitor car parking space is provided.

PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN (CONT.)

Greater detail is provided in the attached plans.



(Proposed Site Layout)

PLANNING SCHEME PROVISIONS

Zoning

General Residential Zone

The site is affected by the General Residential Zone pursuant to Clause 32.08 of the Mitchell Planning Scheme (Scheme)

Pursuant to Clause 32.08-6 a planning permit is required to construct two or more dwellings on a lot.

A development must meet the requirements of Clause 55 and the requirements of Clause 32.08-4 – minimum garden area requirement. A lot above 650sqm must provide a minimum of 35% of the lot set aside as garden area.

Overlays

No overlays affect the site.

Particular Provisions

Clause 52.06 – Car parking

A 2 bedroom dwelling requires 1 car parking space and a dwelling with 3 or more bedrooms requires 2 car parking spaces.

For every 5 dwellings, 1 visitor car parking space is required pursuant to Table 1 of Clause 52.06-5.

PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN (CONT.)

Clause 55 – Two or more Dwellings on a lot and Residential Buildings

A full Rescode assessment is attached to this report.

Planning Policy Framework (PPF)

A number of policies of the PPF are relevant to the assessment of this application. The most relevant are discussed later in this report and a full list of relevant policies is attached to this report.

Other Considerations

The Wallan Structure Plan identifies the subject land being with an area of 'existing neighbourhood'. There is overall policy support a range of housing types across Wallan that are responsive to the local character of the area and provide higher density forms of housing in appropriate areas.

PUBLIC NOTIFICATION (ADVERTISING)

Formal notification of the application was given by means of posting notices to adjoining property owners and occupiers. A total of 6 objections have been received and are addressed in the section Objectors' Concerns of this report.

REFERRALS

External

No external referral authorities are required for an application of this type.

Internal

The application was discussed internally with Council's Engineering Department who suggested provided standard conditions to include in any permit issued.

DISCUSSION

Medium density development

Increased residential density and dwelling diversity is sought by the Planning Policy Framework and Local Planning Policy Framework in appropriate locations. Relevant policies, particularly the Wallan Structure Plan, encourage increased residential densities that is in close proximity to the Wallan Town Centre, employment, services and public transport. The proposal is located within the walking catchments of both the Wallan Town Centre, Wallan Train Station, therefore well-located to provide increased density.

The proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes and increasing housing opportunities. The proposal will meet the demands for a growing population and cater for the increasingly diverse needs of future residents.

Neighbourhood character

The surrounding area is characterised by single storey detached dwellings on a lot with landscaping in the front and rear yards. The proposal contains sufficient front and side setbacks to retain the detached character of the surrounding area. The building

PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN (CONT.)

materials providing sufficient variation to ensure that the development provides visual interest and blends with the surrounding environment. The rear unit is single storey to ensure the bulk of the overall all proposal is softened as well as preventing any additional overlooking concerns and overshadowing.

Although the proposal is not a typical example of residential development in the immediate vicinity, being somewhat of a departure from the predominantly low-density character of the area. However medium density development should be encouraged given the strategic location of the subject land being close to township services and amenity which is entirely consistent with the intent and aspirations of the Wallan Structure Plan.

Notwithstanding the above, a two-storey built form is not completely inconsistent to surrounding neighbourhood character given there are few examples in the area. The scale of the proposal respects the preferred neighbourhood character, as well as providing for a generous front setback which is a dominant feature of the area. A landscaping plan is required, this will ensure the landscaping will respect and enhance the existing landscape character.

Clause 55 Assessment

An assessment under Clause 55 of the Mitchell Planning Scheme was undertaken. (See attached). In general terms the proposal satisfies the requirements of Clause 55.

Amenity and overlooking

The submitted plans indicate that habitable room windows will include obscure glazing to prevent overlooking into the private open space of the adjoining properties to the north. This is acceptable with regards to the requirements of Clause 55 of the Mitchell Planning Scheme. However, if the windows are open, the proposal would not comply with the overlooking requirement. Therefore, a condition will be included on the planning permit to ensure that if windows are opened, overlooking will not occur.

As a result of the site inspection fencing along the northern boundary is missing and in disrepair. Therefore, it is considered appropriate to require amended plan showing details of proposed fencing.

Overall the development represents a positive planning outcome for the area, utilising existing land that is appropriately zoned for residential and supporting Wallan's continuing population growth.

OBJECTORS' CONCERNS

The objections received in relation to the current proposal cover a number of matters. The main theme that has emerged amongst objectors conclude that the proposal would result in an overdevelopment of the site that would cause a general loss amenity that would ultimately affect the value of surrounding land. Some objections went into detail quoting various parts of the scheme, where there were perceived inconsistencies with the standards of Clause 55 and general planning policies. Included below are specific responses to points of objection:

PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN (CONT.)

- *Inadequate car parking and traffic:*

The proposal meets the minimum car parking rate contained with Clause 52.06 of the Mitchell Planning Scheme. Each 2 bedroom dwelling contains a minimum of 1 car parking space and 3 bedroom dwellings contain 2 spaces, with at least one under cover space. One visitor car parking space has been provided on the site, meeting the minimum requirements of Clause 52.06-5.

Also relevant to car parking, a slight variation is required to Standard B14 (width of driveways should not exceed 33% of the property frontage, the proposal covers 38%, seeking a 5% variation). This will approximately equate to an additional 1m of driveway coverage, removing this area otherwise available for on street parking. However, this variation is considered necessary to ensure passing bays in accordance with Clause 52.06-9 can be satisfied. Furthermore, even if the standard was met to the minimum extent of 33%, only one tandem car space could be accommodated adjacent to the site.

- *Overdevelopment and inconsistent with neighbourhood character:*

The proposal is an infill site in the General Residential Zone, meets the requirements of Clause 55 with variation and meets the garden area. The development sits well within the subject site and does not exceed the development capacity of the lot. As the proposal meets all the relevant clauses, it is not considered to be an overdevelopment of the site.

The existing neighbourhood character is described as single detached dwellings on a lot, with generous front setbacks and varying side setbacks. Some lots contain vegetation and front fences. The objections refer to 'Wallan's Country Town', however this area of Wallan is developed in a suburban manner. It is considered the neighbourhood character within this area is limited. The proposal is not required to mimic surrounding developments, rather development is to respect the surrounding environment. As the proposal meets the requirements of the Mitchell Planning Scheme and respectful of existing lot layout and built form, the proposal is not inconsistent with neighbourhood character.

- *Waste management*

Concerns were raised with regards to curb side waste collection. Adequate space at the curb side can be provided for bin collection.

A standard 120ltr wheelie bin (general waste) has a width of 440mm and a 240ltr (recycling) being 550mm wide. The subject land has an unobstructed street frontage suitable for council bin collection of approximately 12 metres. With each bin having an average width of 500mm, the area can comfortably accommodate 14 bins abreast for collection on dual bin days.

PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN (CONT.)

- *Loss of onsite vegetation*

The vegetation on site is exempt from a planning permit as there is no overlays on the lot requiring a permit to remove vegetation. Further, the lot is less than 4000sqm, under the vegetation exemptions under Clause 52.17-7 a planning permit is not required to remove vegetation.

A condition will be placed on the permit to include two medium sized native canopy trees be provided at the front of dwelling 1 and 2 as well as street trees within the road reserve, which will improve the overall landscaping outcome of the street.

- *Overlooking*

A number of objections raised concerns relating to overlooking, claiming the construction of double storey dwellings would compromise privacy to adjoining open space. A condition will be included on the permit to ensure the proposal complies with overlooking (Standard B22). This will include obscure glazing or permanent fixed external screens in the absence of a visual barrier such as a fence on ground level. This standard will be particularly relevant to all windows on first floor units that face to the west.

CONCLUSION

The proposed development for seven dwellings on a lot when considered against the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zoning controls, the relevant Particular and General Provisions, and the decision guidelines at Clause 65 of the Mitchell Planning Scheme. Additionally, consideration has been given to the requirements of Section 60(1B) of the *Planning and Environment Act 1987* with respect to the number of objections received, and it is determined that the proposal would not have a significant social effect or material detriment.

RECOMMENDATION

THAT Council officers provide a report to Council in relation to Planning.

Amended plans

Application PLP344/11 for Buildings and now for the construction of 7 dwellings at lot 1 on plan of subdivision 200848M known as 7 MCarthy Court Wallan

PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN (CONT.)

MITCHELL SHIRE COUNCIL

Community Questions and Hearings Committee Meeting Attachment

DEVELOPMENT AND INFRASTRUCTURE

13 MAY 2019

6.3

**PLANNING PERMIT APPLICATION PLP344/18
FOR BUILDINGS AND WORKS FOR THE
CONSTRUCTION OF 7 DWELLINGS AT 7
MCCARTHY COURT WALLAN**

Attachment No: 1

Relevant Policies

7 McCarty Court Wallan – PLP344/18Planning Policy Framework (PPF) (at the time of the application being issued):

The following clauses of the PPF and LPPF are considered relevant to this application

Clause 15.01-2S (Building design)	This clause is relevant and has the following objective: <i>To achieve building design outcomes that contribute positively to the local context and enhance the public realm.</i>
Clause 15.01-1S (Urban design)	This clause is relevant and has the following objective: <i>To create urban environments that are safe, health, functional and enjoyable and that contribute to a sense of place and cultural identity.</i>
Clause 16.01-3S (Housing diversity)	This clause is relevant and has the following objective: <i>To provide for a range of housing types to meet diverse needs.</i>
Clause 16.01-2S (Location of residential development)	This clause is relevant and has the following objective: <i>To locate new housing in designated locations that offer good access to jobs, services and transport.</i>
Clause 16.01-1S (Integrated housing)	This clause is relevant and has the following objective: <i>To promote a housing market that meets community needs.</i>
Clause 18.02-4S (Car parking)	This clause is relevant and has the following objective: <i>To ensure an adequate supply of car parking that is appropriately designed and located.</i>
Clause 21.02-1 (Urban growth)	This clause is relevant and has the following objective: <i>To plan for the orderly development of existing settlements.</i>
Clause 21.11-9 (Wallan)	This clause is relevant and has the following objective: <i>Support residential development in close proximity to shops, services, open space and public transport.</i> <i>Encourage infill development within residential areas.</i>

MITCHELL SHIRE COUNCIL

Community Questions and Hearings Committee Meeting Attachment

DEVELOPMENT AND INFRASTRUCTURE

13 MAY 2019

6.3

**PLANNING PERMIT APPLICATION PLP344/18
FOR BUILDINGS AND WORKS FOR THE
CONSTRUCTION OF 7 DWELLINGS AT 7
MCCARTHY COURT WALLAN**

**Attachment No: 3
Rescode Assessment**

Appendix: Two or More Dwellings on a Lot and Residential Buildings (Clause 55) – 7 McCarty Crescent Wallan PLP344/18

Refer to Clause 55 of the Planning Scheme for objectives, decision guidelines and a full description of standards.

Neighbourhood Character

Clause 55.02

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
B1 Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.	1. Appropriate design response to the neighbourhood and site.	Complies The surrounding area is typified by single detached dwellings. Whilst the proposed design deviates from this character, the linear placement of the dwellings will result in minimal visual bulking from Windham Street.
	2. Design respects the existing or preferred neighbourhood character & responds to site features.	Complies
B2 Residential Policy Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.	3. Application to be accompanied by written statement that explains consistency with relevant housing policy in SPPF, LPPF, MSS and local planning policies.	Complies A statement regarding the consistency of the proposed development with relevant policy has been supplied with the application.
B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.	4. Developments of ten or more dwellings to provide for: <ul style="list-style-type: none"> ▪ Dwellings with a different number of bedrooms. ▪ At least one dwelling containing a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	N/A Only 7 dwellings are proposed.
B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.	5. Connection to reticulated sewerage, electricity, gas and drainage services.	Complies Given that the subject site is in an existing residential area, it is considered that all reticulated services can be adequately provided on site.
Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	6. Capacity of infrastructure and utility services should not be exceeded unreasonably.	Complies

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	7. Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or no spare capacity exists.	Complies
B5 Integration with the Street Integrate the layout of development with the street.	8. Development orientated to front existing and proposed streets.	Complies Unit 1 and 2 will front McCarthy Court and present as a dual occupancy development with the other 5 units to front the internal common property driveway to the rear.
	9. Vehicle and pedestrian links that maintain and enhance local accessibility.	Complies The common property driveway connects to the existing road.
	10. High fences in front of dwellings should be avoided if practicable.	Complies There is no front fencing proposed for the development.
	11. Development next to public open space should be laid out to complement the open space.	Complies No public open space exists adjoining the development.

Site Layout and Building Massing

Clause 55.03

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	12. Walls of buildings should be set back from streets: <ul style="list-style-type: none"> ▪ at least the distance specified in the schedule to the zone, or ▪ If no distance is specified in the schedule to the zone setbacks should be as set out below. <i>Porches, pergolas and verandahs less than 3.6m high and eaves may encroach not more than 2.5m into the setbacks of this standard.</i>	Complies
	13. The site is on a corner Min side setback for front walls = Same setback of existing building or 9m, whichever is the lesser. If no building 6m for streets in a RDZ1 and 4m for other. Min side setback for side walls = same setback of existing building or 3m, whichever is the lesser.	The front setback is approximately 12m, exceeding this requirement by approximately 3 metres as there are buildings either side of the development.

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	14. Where no maximum height is specified, the max height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site is 2.5 degrees or more, in which case the max height should not exceed 10m.	Complies The maximum building height under the zone (Cl. 32.08) is 11 metres. Therefore, given the maximum height of the proposed development is 6.14m the proposal is compliant with this standard.
B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	15. The site area covered by buildings should not exceed: <ul style="list-style-type: none"> ■ The max site coverage specified in the schedule to the zone, or ■ If no max site coverage is specified 60% 	Complies The proposed development covers 35.39% of the site which is consistent with this standard.
B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	16. At least 20% of the site should not be covered by impervious surfaces	Complies The application provides for 38.21% permeability.
B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.	17. Orientation of buildings should make appropriate use of solar energy.	Complies Habitable rooms have been oriented to the north.
	18. Siting and design of buildings should not reduce the energy efficiency of buildings on adjoining lots.	Complies
	19. If practicable the living areas and private open space are to be located on the north side.	Complies
	20. Solar access for north-facing windows should be maximised.	Complies
B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.	21. Public open spaces should: <ul style="list-style-type: none"> ■ Be substantially fronted by dwellings. ■ Provide outlook for dwellings. ■ Be designed to protect natural features. ■ Be accessible and usable. 	Complies Integration with the public open space to the rear of the site has been adequately provided.
B12 Safety Layout to provide safety and security for residents and property.	22. Entrances to dwellings and residential buildings should not be isolated or obscured from the street and internal accessways.	Complies
	23. Planting should not create unsafe spaces along streets and accessways	Complies

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	24. Good lighting, visibility and surveillance of car parks and internal accessways.	Complies
	25. Protection of private spaces from inappropriate use as public thoroughfares.	Complies
<p>B13 Landscaping To provide appropriate landscaping To encourage:</p> <ul style="list-style-type: none"> ■ Development that respects the landscape character of the neighbourhood. ■ Development that maintains and enhances habitat for plants and animals in locations of habitat importance. ■ The retention of mature vegetation on the site. 	26. Landscape layout and design should: <ul style="list-style-type: none"> ■ Protect predominant landscape features of the neighbourhood ■ Take into account the soil type and drainage patterns of the site ■ Allow for intended veg. growth and structural protection of buildings ■ In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. ■ Provide a safe, attractive and functional environment for residents 	<p>Complies subject to conditions A landscaping plan will be requested as part of conditional approval.</p>
	27. Development should: <ul style="list-style-type: none"> ■ Provide for the retention or planting of trees, where these are part of the character of neighbourhood. ■ Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. 	<p>Variation required The existing vegetation on the site will be cleared, although landscaping of the site will be required to ensure that the development is adequately embellished including additional street trees (medium canopy trees).</p>
	28. Landscape design should specify landscape themes, vegetation location & species, paving & lighting.	<p>Complies Native trees should be requested as part of the landscaping plan condition requirements.</p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p>B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	<p>29. Accessways should provide:</p> <ul style="list-style-type: none"> ■ Safe, convenient and efficient vehicle movements and connections to the street network ■ Designed to ensure that vehicles can exit in a forward direction if the accessway serves more than 5 car spaces, 3 or more dwellings or connects to a road in a Road Zone. ■ A width of at least 3m. ■ An internal radius of at least 4m at changes of direction. ■ A passing area at the entrance that is at least 5m wide and 7m long if the accessway serves 10 or more car spaces and connects to a road in a Road Zone. 	<p>Complies Passing areas have been provided and visitor car parking space has been shown.</p>
	<p>30. The width of the accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> ■ 33% of the street frontage; or ■ 40% if the width of the street frontage is less than 20m. 	<p>Variation required a slight variation is required to Standard B14 (width of driveways should not exceed 33% of the property frontage, the proposal covers 38%, seeking a 5% variation). This will approximately equate to an additional 1m of driveway coverage, removing this area otherwise available for on street parking. However, this variation is considered necessary to ensure passing bays in accordance with Clause 52.06-9 can be met. Furthermore, even if the standard was met to the minimum extent of 33%, only one tandem car space could be accommodated adjacent to the site.</p>
	<p>31. For each dwelling fronting a street, only one single width crossover should be provided.</p>	<p>Variation required Unit 1 has a single width crossover however the common property proposes a double width driveway to ensure adequate passing bays and ease of access.</p>
	<p>32. The location of crossovers will maximise the retention of on-street car parking spaces.</p>	<p>Complies Regardless of single width or double width, the same amount of on street parking will be available if the car parking design is applied for tandem car parking spaces being 6.7 m wide.</p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	33. Access for service, emergency and delivery vehicles must be provided.	Complies
B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.	34. Car parking facilities should be: <ul style="list-style-type: none"> ■ Close and convenient to dwellings. ■ Secure. ■ Designed to allow safe and efficient movements. ■ Well ventilated if enclosed. ■ Broken up with trees and buildings or different surface treatments (applicable to Large Parking Areas.) 	Complies All car parking spaces provided to dwellings is in convenient access.
	35. Shared accessways, car parks of other dwellings/ residential buildings should be at least 1.5m from the windows of habitable rooms. This setback may be reduced to 1m, where there is a fence at least 1.5m high or window sills are at least 1.4m above the accessway.	Complies with variation Habitable room windows are located in excess of 1.4m above the accessway. Dwelling 7 – It is unclear on the plans if the southern window in the living room complies with the standard, therefore a condition will be placed on the permit to ensure the proposal meets the standard.
B16 Parking Provision	<i>This standard was removed as part of Amendment VC90 (5/6/2012) and replaced with amended provisions of Clause 52.06 of the Mitchell Planning Scheme.</i>	

Amenity Impacts

Clause 55.04

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	36. A new building not on or within 150mm of a boundary should be setback from side or rear boundaries: <ul style="list-style-type: none"> ■ At least the distance specified in the schedule to the zone, or ■ 1m+ 0.3m for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. (refer Diagram B1 for more detail and information about minor encroachments).	Complies

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p>B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>37. A new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1m of a side or rear boundary of a lot should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> ■ 10m plus 25 % of the remaining length of the boundary of an adjoining lot. <p>or</p> <ul style="list-style-type: none"> ■ Where there are existing or simultaneously constructed walls or carports abutting the boundary of an abutting lot, the length of the existing or simultaneously constructed walls or carports - whichever is the greater. ■ A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in effective height of the wall or carport being less than 2m on the abutting property boundary. ■ A height of a new wall constructed on or within 150mm of a side or rear boundary or a carport constructed on or within 1m of a side or rear boundary should not exceed an average of 3m with no part higher than 3.6m unless abutting a higher existing or simultaneously constructed wall. 	<p>N/A There are no walls on boundaries except for unit 7 (single storey) that maintains a 200m setback.</p>
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	<p>38. Buildings opposite an existing habitable room window should provide a light court of at least 3sqm and a minimum dimension of 1m clear to the sky (this can include land on the adjoining lot).</p>	<p>Complies There is at least 4 metres between the nearest southern adjoining dwelling and the proposed units.</p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	39. Walls or carports more than 3m in height opposite should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.	N/A
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	40. Buildings should be setback 1m if an existing north-facing habitable window is within 3m of the abutting lot boundary. (Add 0.6m to this setback for every metre of height over 3.6m and add 1m for every metre over 6.9m.) Refer to 55.04-4 for further clarification (a diagram is included).	Complies
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	41. Where sunlight to a private open space of an existing dwelling is reduced, at least 75%, or 40sqm with min. 3m, whichever is the lesser area, of the open space should receive a min. of 5 hours of sunlight between 9 am and 3pm on 22 Sept. If the existing sunlight to the private open space of an existing dwelling is less than these requirements, the amount of sunlight should not be reduced further.	Complies

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p>B22 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	<p>42. A habitable room window, balcony, terrace, deck or patio should be designed to avoid direct views into the secluded private open space of an existing dwelling within 9m (see clause for details) should have either:</p> <ul style="list-style-type: none"> ■ A minimum offset of 1.5m from the edge of one window to the other. ■ Sill heights of at least 1.7m above floor level. ■ Fixed obscure glazing in any part of the window below 1.7m above floor level. ■ Permanently fixed external screens to at least 1.7m above floor level and be no more than 25 % transparent. 	<p>Complies Obscure screening will be provided for the habitable north facing rooms that do not have sill heights of 1.7m from floor level. This has been requested as a condition of the permit.</p>
	<p>43. Obscure glazing below 1.7m above floor level may be openable if there are no direct views as specified in this standard.</p>	<p>Complies</p>
	<p>44. Screens to obscure view should be:</p> <ul style="list-style-type: none"> ■ Perforated panels or trellis with solid translucent panels or a maximum 25% openings. ■ Permanent, fixed and durable. ■ Blended into the development. <p>See Clause 55.04-6 for instances where this standard does not apply.</p>	<p>Complies</p>
<p>B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	<p>45. Windows and balconies should to be designed to prevent overlooking of more than 50% of the secluded private open space of a lower level dwelling or residential building within the same development.</p>	<p>Complies Obscure screening will prevent overlooking internally within the development. A condition is included on any approval to ensure that overlooking does not occur as a result of opening windows.</p>
<p>B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p>46. Noise sources should not be located near bedrooms of immediately adjacent existing dwellings.</p>	<p>Complies</p>
	<p>47. Noise sensitive rooms and private open space should consider noise sources on immediately adjacent properties.</p>	<p>Complies</p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	48. Noise levels should be limited in habitable rooms in dwellings and residential buildings. Dwellings and residential buildings should be designed to limit noise levels in habitable rooms close to busy roads, railway lines or industry.	Complies

On-Site Amenity and Facilities

Clause 55.05

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
B25 Accessibility Consider people with limited mobility in the design of developments.	49. Dwelling entries of the ground floor of buildings should be accessible or able to be easily made accessible to people with limited mobility.	Complies
B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	50. Entries are to be visible and easily identifiable from streets and other public areas.	Complies
	51. The entries should provide shelter, a sense of personal address and a transitional space.	Complies
B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	52. Habitable room windows to face: <ul style="list-style-type: none"> ■ Outdoor space open to the sky or light court with minimum area of 3sqm and a min. dimension of 1m clear to the sky or; ■ Verandah, provided it is open for at least one third of its perimeter or; ■ A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	Complies

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space	53. Unless specified in the schedule to the zone, a dwelling should have private open space consisting of: 40sqm with one part at the side or rear of the dwelling/residential building with a minimum dimension of 3m, a minimum area of 25sqm and convenient access from a living room or; Balcony - minimum 8sqm, minimum width 1.6m and accessed from living room or; Roof-top – minimum 10sqm, minimum width 2m and convenient access from living room.	Complies All proposed dwellings exceed this requirement.
B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.	54. The private open space should be located on the north side of the dwelling if appropriate.	Complies
	55. Southern boundary of open space should be setback from any wall on the north of the space at least $(2+0.9h) h =$ height of wall.	Complies
B30 Storage Provide adequate storage facilities for each dwelling.	56. Each dwelling should have access to a minimum 6m ³ of externally accessible, secure storage space.	Complies

Detailed Design

Clause 55.06

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.	57. Design of buildings should respect the existing or preferred neighbourhood character and address: <ul style="list-style-type: none"> ■ Façade articulation & detailing. ■ Window and door proportions. ■ Roof form. ■ Verandahs, eaves and parapets. 	Complies The design provides an articulated frontage with a mix of materials in natural colours complementary to the surrounds.
	58. Garages and carports should be visually compatible with the development and neighbourhood character.	Complies
B32	59. The front fence should complement the design of the dwelling or any front fences on adjoining properties.	N/A

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p>Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character</p>	<p>60. A front fence within 3m of the street should not exceed the maximum height specified in the schedule to the zone or if no max. specified, the front fence should not exceed:</p> <ul style="list-style-type: none"> ■ 2m if abutting a Road Zone, Category 1. ■ 1.5m in any other streets. 	<p>N/A</p>
<p>B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	<p>61. Should be functional and capable of efficient management.</p>	<p>Complies</p>
	<p>62. Public, communal and private areas should be clearly delineated. Common property should be functional and capable of efficient management.</p>	<p>Complies</p>
<p>B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</p>	<p>63. Dwelling layout and design should provide for sufficient space and facilities for services to be installed and maintained.</p>	<p>Complies</p>
	<p>64. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and should blend in with the development.</p>	<p>Complies</p>
	<p>65. The site facilities including mailboxes should be located for convenient access. Bin and recycling enclosures located for convenient access. Mailboxes provided and located for convenient access as required by Aust. Post.</p>	<p>Complies</p>

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 11 June 2019 at Mitchell Civic Centre, 113 High St, Broadford.

11 CLOSE OF MEETING