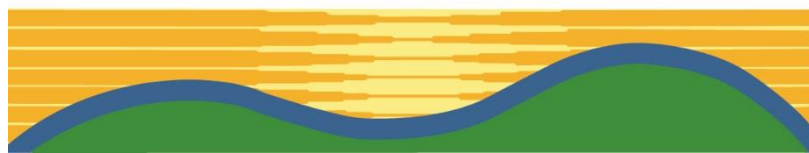


MITCHELL SHIRE COUNCIL



**COMMUNITY QUESTIONS
AND HEARINGS COMMITTEE**

AGENDA

TUESDAY 12 JUNE 2018

7.00pm

NOTICE IS HEREBY GIVEN that **Community Questions and Hearings Committee** of the Mitchell Shire Council will be held at **Mitchell Civic Centre, 113 High St, Broadford**, on **Tuesday 12 June 2018** 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 14 May 2018, as circulated, be confirmed.

RECOMMENDATION

THAT the Minutes of the Special Community Questions and Hearings Committee held 4 June 2018, as circulated, be confirmed.

5 GOVERNANCE AND CORPORATE PERFORMANCE

5.1 SUBMISSIONS FOR THE ROAD DISCONTINUANCE AND SALE - PART BEAUVIEW DRIVE, WALLAN

Author: *Nicole Maxwell - Manager Finance and Assets*

File No: *CP/05/039*

Attachments: *Nil*

SUMMARY

A request was received in late 2017 from a resident in Wallan to purchase part of an unused road which is adjacent to their property. The road is Beauview Drive which branches off Old Sydney Road.

The previous Council Report to the meeting of 16 April 2018 discussed the matters relating to the request and proposed that Public Notice for the consideration of part road discontinuance be given, with a view to the potential sale of the land within the discontinued section of road should the proposal be supported.

As resolved at the meeting of 16 April 2018, Public Notice has been given and submissions closed on 25 May 2018. One submission was received by Council.

RECOMMENDATION

THAT Council accept the submission to the Road Discontinuance and Sale – Part Beauview Drive Wallan and officers prepare a report for the Council meeting to be held on 25 June 2018.

BACKGROUND

The request to purchase the land in the road was received from the owner of 135 Beauview Drive, Wallan in December 2017. The landowner stated that they have owned their property for over 30 years, during which time the land held within the part of the road adjacent to their land has never been constructed and used for the purpose of a public road.

Beauview Drive is located in a rural area to the north west of Wallan and has a total length of approximately 1.74km, with approximately 1.4km being constructed road and 340m being unused road. The road is covered by an easement for carriageway and drainage.

The area is generally slashed twice a year by Council for maintenance and fire hazard reduction. The western most 340m of unused road is the section of road which is adjacent to the landowner's property and is the land is requested to be purchased. The area in the unused section of road which could potentially be sold is approximately 5,500m².

SUBMISSIONS FOR THE ROAD DISCONTINUANCE AND SALE - PART BEAUVIEW DRIVE, WALLAN
(CONT.)

ISSUES AND DISCUSSION

Six (6) properties gain access from Beauview Drive, including the landowner who has expressed an interest in purchasing the land in the road reserve.

Beauview Drive was created by a subdivision in 1979 and was constructed around this time. The constructed 1.4km section of Beauview Drive is listed on Council's Public Road Register, the part of the road requested to be acquired is not listed on the Public Road Register.

The unused section of road reserve lies immediately to the west of the property access to 135 Beauview Drive. The properties along Beauview Drive and the surrounding area were significantly impacted by the fires of February 2017. The landowner wishing to purchase the part of the road considers that one of the benefits of owning the land in the road would be the ability to graze the area on a consistent basis to maintain a viable fuel reduction buffer over a wider area around their dwelling.

240 Wallan Heights Road – Planning Permit

A planning permit was issued for a subdivision in 2008 for a three-lot subdivision of land to the west of the end of Beauview Drive, the property address being 240 Wallan Heights Road. The subdivision did not proceed through the various stages to reach Statement of Compliance and therefore titles were not issued. In 2014 an extension of time was given until June 2016 to have the work undertaken to complete the subdivision. However, no further action was taken and the permit expired in June 2016.

A letter was sent to the owners of 240 Wallan Heights Road advising of the consideration to discontinue and sell part to Beauview Drive.

REPORT

One submission was received relating to the discontinuance and part sale of Beauview Drive Wallan and the party has indicated that they would like to present their submission in person to Council.

The submission was from the owners of the property at 240 Wallan Heights Road and, in essence, submitted that the discontinuance of the road would impact on the future subdivision of the land, would devalue the land and was not sound planning.

The submission also commented that the Notice sent to the land owners did not give the reason for the discontinuance however, the correspondence sent to the landowner was a courtesy letter informing of the proposal and advising that more information could be obtained from the Public Notice on Council's website or in the North Central Review of 24 April 2018.

Following the Community Questions and Hearings Committee meeting, officers will prepare a report and provide a recommendation to the 25 June 2018 Ordinary Council meeting.

6 DEVELOPMENT AND INFRASTRUCTURE

6.1 PLANNING PERMIT APPLICATION PLP328/17 FOR CONSTRUCTION OF 6 DWELLINGS AT 9 EDEN PLACE WALLAN

Author: Mathew Mertuszka - Principal Planner

File No: PLP328/17

Attachments: Nil

Property No.:	109439
Title Details:	Lot 2 on Plan of Subdivision 205924V
Applicant:	Nicci Foster (CS Town Planning Services PL)
Zoning:	General Residential Zone – Schedule 1 (GRZ1)
Overlays:	Development Plan Overlay – Schedule 15 (DPO15)
Objections Received:	Yes, two objections have been received
Cultural Heritage Management Plan Required:	No, not within an area covered by Aboriginal Cultural Heritage Significance
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



PLANNING PERMIT APPLICATION PLP328/17 FOR CONSTRUCTION OF 6 DWELLINGS AT 9 EDEN PLACE WALLAN (CONT.)

SUMMARY

Council received a planning permit application (PLP328/17) for the construction of 6 dwellings at 9 Eden Place, Wallan.

The subject land is covered by a Development Plan Overlay – Schedule 15 and is within the General Residential Zone on a large infill site close to Wallan town centre.

The application was advertised and two objections were received. The ground of objection in the main related to grounds of safety, bin collection, storm water, servicing, fencing, construction management, increased traffic, overlooking, topographical constraints and unacceptable amenity outcome.

SITE AND SURROUNDS

Subject Site Description

The subject land is legally described as Lot 2 on Plan of Subdivision 205924V and is located at 9 Eden Place, Wallan. The land is triangular in shape with a narrow street frontage in relation to its side and rear boundaries, comprising of a total site area of 5909sqm.

The land currently contains a single dwelling and associated shedding located towards the southern portion of the site, setback from the Eden Place frontage to the north. Access to the site is afforded by a single crossover to Eden Place,

The topography of the site undulates slightly with the land falling towards the north and contains planted vegetation mostly around the site perimeter and immediately near the dwelling.

Planning Background

According to Council's records the subject land has not had any planning permit applications considered on the site.

Title/Restrictions/Agreements

A recent copy of title provided by the applicant indicates that there are no restrictions registered or encumbrances apart from a drainage and sewerage easement shown as E-1 on the plan of subdivision 205924V and drainage easement E-2.

The proposal is not considered to have any direct implication on easements registered on the title.

Surrounding Area

The subject site is located at the end of a court bowl where a variety of housing types exist, including semidetached unit development in amongst fully detached single dwellings on larger, almost semi-rural style configurations.

The landscape is mostly flat except for undulating slightly in parts, falling towards the south.

PLANNING PERMIT APPLICATION PLP328/17 FOR CONSTRUCTION OF 6 DWELLINGS AT 9 EDEN PLACE WALLAN (CONT.)

PROPOSAL

The proposal is seeking to construct 6 single story dwellings on the lot with the provision of common property servicing the dwellings. A summary of the proposal is as follows:

	Hard surface coverage	Secluded open space	Car space	bedrooms
Dwelling 1	312.10sqm	88.25sqm	3	4
Dwelling 2	323.50sqm	149.24sqm	3	4
Dwelling 3	320.55sqm	161.42sqm	3	4
Dwelling 4	342.15sqm	122.0sqm	3	4
Dwelling 5	311.07sqm	102.0sqm	3	4
Dwelling 6	340.92sqm	228.0sqm	3	4

Technical site details:

Site Area	Site Coverage	Hard surface coverage	Permeable area	Garden Area
5909sqm	1950.29sqm (33%)	1173.72sqm (19.86%)	2784.99sqm (47.13%)	2770sqm (46.48%)

The proposal provides 2 visitor car parking spaces.

HEARING AND CONSIDERATION OF SUBMISSIONS

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

The applicant and any relevant submitters to the application have been invited to attend this meeting of the Community Questions and Hearings Committee to make a brief presentation in support of their application and submission.

RECOMMENDATION

THAT Council Officers provide a report to Council in relation to Planning Application PLP328/17 for the construction of 6 dwellings at 9 Eden Place, Wallan.

6.2 PLANNING PERMIT APPLICATION PLP332/17 FOR THE USE OF THE LAND FOR A CARAVAN REPAIR STORAGE FACILITY AT 10 STOTTS ROAD WANDONG

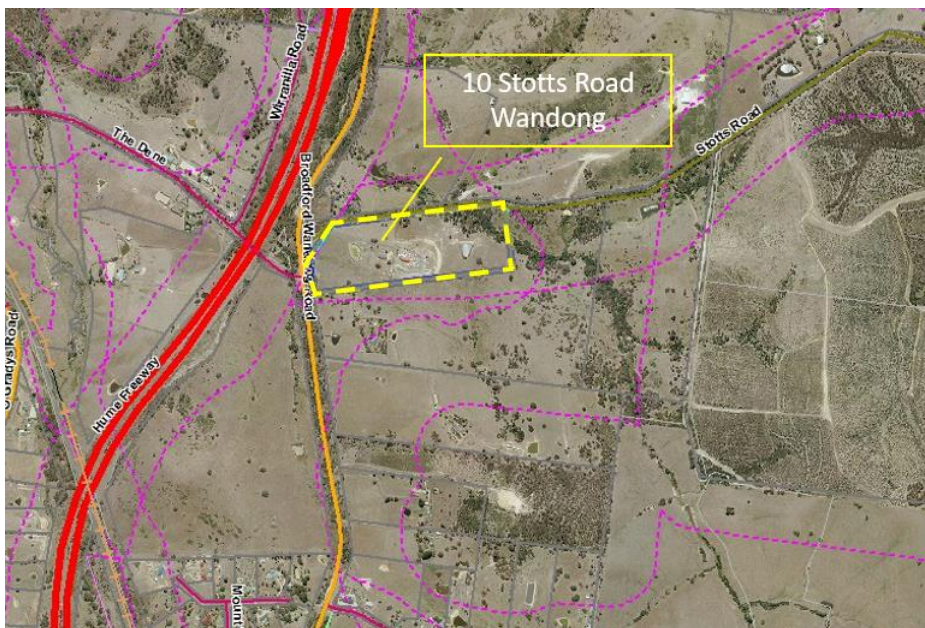
Author: Amy King - Statutory Planner

File No: PLP332/17

Attachments: Nil

Property No.:	108724
Title Details:	Lot 1 on PS113729 (Volume 09082 / Folio 289)
Applicant:	T & C Development Services Pty Ltd
Zoning:	Farming Zone
Overlays:	Vegetation Protection Overlay – Schedule 1 Vegetation Protection Overlay – Schedule 2
Objections Received:	3 objections received
Cultural Heritage Management Plan Required:	No
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



PLANNING PERMIT APPLICATION PLP332/17 FOR THE USE OF THE LAND FOR A CARAVAN REPAIR STORAGE FACILITY AT 10 STOTTS ROAD WANDONG (CONT.)

SUMMARY

The application seeks approval for the use of the land for a caravan repair storage facility. The land is affected by the Farming Zone, Vegetation Protection Overlay – Schedule 1 and Vegetation Protection Overlay – Schedule 2.

The application is retrospective in nature and has resulted from a planning enforcement investigation.

The application was advertised to the adjoining land owners and a total of three objections were received and related to the proposed use and amenity impacts.

SITE AND SURROUNDS

Subject Site Description

The subject site (formally known as Lot 1 on PS113729, Volume 09082 / Folio 289) is generally rectangular in shape and located on the south-east corner of Broadford Wandong Road and Stotts Road, Wandong. The site is afforded a frontage of approximately 500m to Stotts Road (northern property boundary), depth of approximately 195m (eastern property boundary) with an overall lot size of 11.73ha.

The site is developed with an existing dwelling and detached dependent persons' unit, and a large shed located centrally to the site. Existing vegetation is found towards the north-east corner of the property along the drainage line with 2 dams (one to the east of the dwelling and one to the west of the dwelling). Scattered patches of vegetation are also found throughout the site.

Vehicle access is provided from the property frontage with a driveway servicing the dwelling and shed structure. A hard stand area is found towards the rear of the shed.

The site is located approximately 190m south-east of the Hume Freeway.

Planning Background

Details of previous planning permits issued at the site include:

PLP181/14 – Buildings and works for the construction of a new replacement dwelling (and conversion of an existing dwelling to a dependent persons' unit) issued 8 July 2014.

Title/Restrictions/Agreements

The copy of title contains a covenant (as to part L487930D) which relates to the creation of an easement.

Surrounding Area

The surrounding area to the north, east, and south is characterised by land within the Farming Zone of varying sizes and configurations. The surrounding lots appear to be rural properties used for grazing purposes, with dwellings located on the lots to the north-east and south. The Hume Freeway runs adjacent to the site to the west, with Farming Zoned land found further west of the Hume Freeway.

PLANNING PERMIT APPLICATION PLP332/17 FOR THE USE OF THE LAND FOR A CARAVAN REPAIR STORAGE FACILITY AT 10 STOTTS ROAD WANDONG (CONT.)

The township of Wandong is located approximately 2.5km south of the subject site, which includes residential development and a train station.

PROPOSAL

The application seeks retrospective approval for the use of the land for a caravan repair storage facility. The details of the proposal are as follows:

- Repairs of caravans in the existing shed.
- Storage of caravans within a hard stand area at the rear of the shed.

The proposal does not include any buildings or works and seeks to utilise the existing structures on the site. Vehicle access is afforded via an all-weather driveway to the shed and hard stand 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 any relevant submitters to the application have been invited to attend this meeting of the Community Questions and Hearings Committee to make a brief presentation in support of their application and submission.

RECOMMENDATION

THAT Council Officers provide a report to Council in relation to Planning Application PLP332/17 for the use of the land for a caravan repair storage facility.

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 Monday 9 July 2018 at Mitchell Civic Centre, 113 High St, Broadford.

11 CLOSE OF MEETING