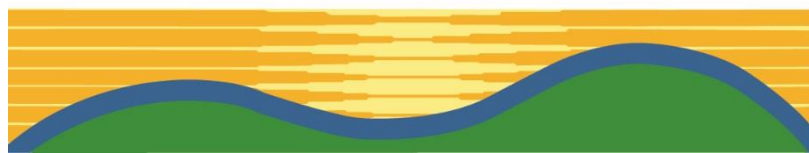


MITCHELL SHIRE COUNCIL



COMMUNITY QUESTIONS AND HEARINGS COMMITTEE

AGENDA

MONDAY 14 MAY 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 Monday 14 May 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 9 April 2018, as circulated, be confirmed.

5 DEVELOPMENT AND INFRASTRUCTURE

5.1 PLANNING PERMIT APPLICATION PLP218/13.03 FOR STAGED MULTI LOT SUBDIVISION, REMOVAL OF EASEMENTS AND REMOVAL OF NATIVE VEGETATION AT 85 RESERVOIR ROAD, BROADFORD

Author: Mathew Mertuszka - Principal Planner

File No: PLP218/13.03

Attachments: Nil

| | |
|---|--|
| Property No.: | 114788 |
| Title Details: | Section 2 & Section 5 on PS513461 |
| Applicant: | Lakeview Broadford Holdings Pty Ltd |
| Zoning: | General Residential Zone |
| Overlays: | None |
| Objections Received: | Yes, four objections received |
| Cultural Heritage Management Plan Required: | No, not in an area of Aboriginal Cultural Heritage Significance |
| Officer Declaration of Conflict of Interest: | No officers involved in the preparation of this report have any direct or indirect interest in this matter |

SITE MAP



PLANNING PERMIT APPLICATION PLP218/13.03 FOR STAGED MULTI LOT SUBDIVISION, REMOVAL OF EASEMENTS AND REMOVAL OF NATIVE VEGETATION AT 85 RESERVOIR ROAD, BROADFORD (CONT.)

SUMMARY

Council received an application to amend an existing planning permit (PLP218/13) for a staged 111 lot subdivision and removal of native vegetation at 85 Reservoir Road, Broadford. The amendment proposes to increase lot yield in part of the site by approximately 40 lots providing more conventional sized residential lots compared to the larger lot sizes originally approved. The original permit included the removal of native vegetation and this amendment does not propose any further removal of any vegetation.

The application was advertised, and four objections were received. Objections mainly related to the loss of amenity through the increase of traffic, fire safety, less open space for wildlife, devaluation of property and additional timing of construction works.

SITE AND SURROUNDS

Subject Site Description

The subject land is comprised of two parcels of land described as S2 and S5 on PS513461C, and is located at 85 Reservoir Road, Broadford. This application only relates to changes on S5 as per the above map, with the remainder of the subdivision layout remaining unchanged.

The land is irregular in shape and has a total site area of 40.236ha. The site is located to the south east of Reservoir Road and is accessed via Lakeview Drive (which connects with Reservoir Road) and Alexander Drive. The site forms the balance land associated with an earlier subdivision of the site known as the Broadford Lakes Estate, located to the south and east of a number of residential lots that have been subdivided in an earlier stage of this subdivision.

The land is reasonably steep and falls from north west to south east. A ridgeline is located towards the western boundary of the land with a contour height of approximately 270m, and the land drops to a contour height of approximately 220m at the easternmost boundary.

The site contains a large amount of intact remnant vegetation, especially towards the southern portion of the property (not affected in this application), including several significant trees and other vegetation species. Consideration against the removal of this vegetation to allow for the subdivision to go ahead has occurred under the original planning permit. This proposal does not include any additional native vegetation removal beyond what has already been conditioned for offsetting (total of approximately 21ha of vegetation removal will be offset under condition 37 of the existing permit).

Surrounding Area

Land to the north of the subject land is within the General Residential Zone. This land includes Stage 1 of the Broadford Lakes Estate, which includes lots of approximately 1555sqm to 3500sqm in area each developed with a single dwelling.

Land to the north of Reservoir Road within the development plan area has largely been completed or subdivisions are under construction with many dwellings either under

PLANNING PERMIT APPLICATION PLP218/13.03 FOR STAGED MULTI LOT SUBDIVISION, REMOVAL OF EASEMENTS AND REMOVAL OF NATIVE VEGETATION AT 85 RESERVOIR ROAD, BROADFORD (CONT.)

construction or complete, establishing an urban environment with conventional lot sizes.

Land to the north east of the site contains conventional residential development and forms part of an established residential area within the Broadford township.

Land immediately to the west of the site is within the Farming Zone and is largely undeveloped, however some dwellings on large lots exist in this area. This area, like the subject site, has a high degree of vegetation cover.

Land to the east of the site has been transferred to Council as a flora and fauna reserve. Land further to the east and land to the south of the site is within a Public Use Zone and contains the Broadford Reservoir, which is used for water supply, and a header storage tank and water treatment plant is in proximity to this reservoir. A golf course is also located to the east of the site.

The main commercial precinct of Broadford is located approximately 1.5km to the north east of the subject site (via Pinniger, Hawdon and Hamilton Streets). Broadford contains community facilities, retail facilities, open space areas, industrial areas and residential development as well as a train station which provides services to Melbourne and is located on the Melbourne to Sydney rail line.

PROPOSAL

This application is seeking to amend the existing planning permit that currently allows for the creation of 111 lots and the removal of native vegetation. The focus of this amendment relates specifically to Section 5 of the current plan of subdivision located at the north east portion of the site where the applicant is seeking an increase in the number of lots and the removal of easements.

A detailed description of the proposal consists of the following:

Additional lots

- The lot yield will increase in the north eastern portion of the subdivision from 25 residential lots to 65 residential lots, ranging from 503sqm to 1265sqm in area with an average of 630sqm.
- Removal of the proposed 'drainage reserve' located at the eastern corner of the development site in exchange for two 'rain gardens'.
- Introduction of staging to this portion of the development, stage one consisting of development of lots extended from Tass Court, Stage 2 an extension of Alexander Drive and Stage three located at the northern portion of the site, also serviced by an extended section of Alexander Drive.

Easement removal

- The proposal is seeking to remove easements E-1, E-4, E-6 and E-8 all relating to either water supply, drainage and carriage way in favour of Goulburn Valley Water Corporation. Physical infrastructure exists under these easements and would be required.

PLANNING PERMIT APPLICATION PLP218/13.03 FOR STAGED MULTI LOT SUBDIVISION, REMOVAL OF EASEMENTS AND REMOVAL OF NATIVE VEGETATION AT 85 RESERVOIR ROAD, BROADFORD (CONT.)

Proposed Changes to permit conditions

- Proposal to split offset requirements into two 'phases', where offsets would be required once stages of the subdivision are released. (Phase 1 relates to Land in Section 5, Phase 2 relates to Section 2).
- Split construction management plan requirements into two phases.
- Vegetation protection measures to be split into two phases.
- Split expiry clause into 2 phases.

Changes to preamble

- The preamble to change from "111 lot subdivision and removal of native vegetation" to "staged multi lot subdivision, removal of easements and removal of native vegetation".

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 Amended Planning Application PLP218/13.03 for a Staged multi lot subdivision. Removal of easements and removal of native vegetation at 85 Reservoir Road, Broadford.

5.2 PLANNING PERMIT APPLICATION PLP298/17 FOR USE OF THE LAND FOR A PLACE OF ASSEMBLY (RECREATION USE) AND ACCOMMODATION AT 440 DOCTORS CREEK ROAD, CLONBINANE

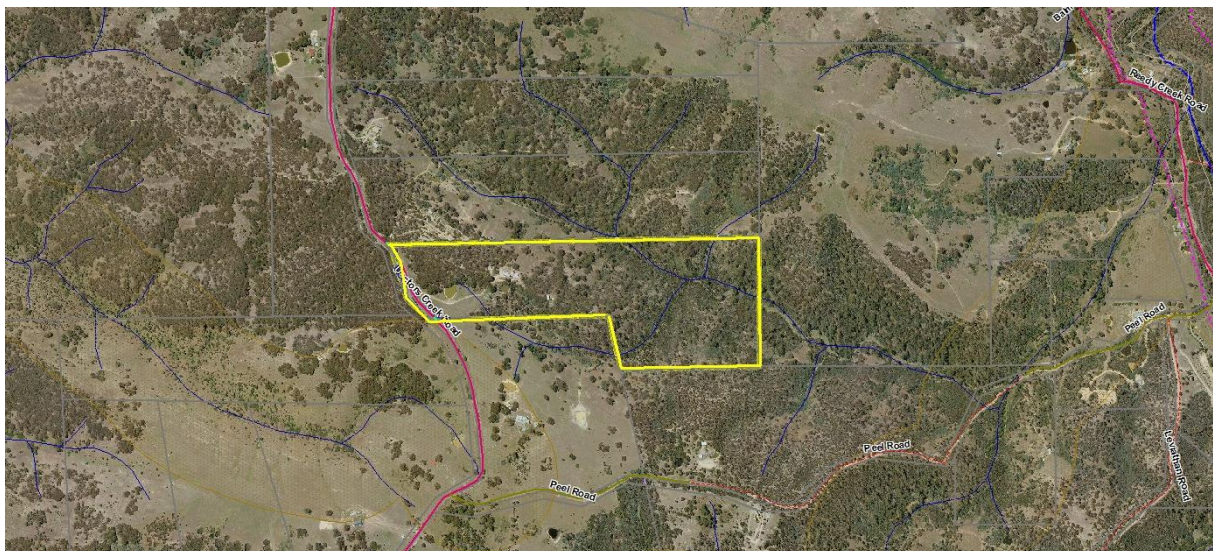
Author: *Holly Sawyer - Statutory Planning Officer*

File No: *PLP298/17*

Attachments: *Nil*

| | |
|---|--|
| Property No.: | 116428 |
| Title Details: | Lot 5 on Plan of Subdivision 112177 Volume 09059 Folio 744 |
| Applicant: | Andrea Maselli |
| Zoning: | Farming Zone |
| Overlays: | Bushfire Management Overlay Erosion Management Overlay |
| Objections Received: | One |
| Cultural Heritage Management Plan Required: | No, the site is not found 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 PLP298/17 FOR USE OF THE LAND FOR A PLACE OF ASSEMBLY (RECREATION USE) AND ACCOMMODATION AT 440 DOCTORS CREEK ROAD, CLONBINANE (CONT.)

SUMMARY

The application seeks approval to use the land for a place of assembly (yoga retreat and recreation) and associated accommodation on the subject site. The site is located within the Farming Zone, is affected by the Erosion Management Overlay and Bushfire Management Overlay of the Mitchell Planning Scheme.

The application was advertised to the adjoining landowners and one objection was received, which consisted of a petition with 37 signatures.

SITE AND SURROUNDS

Subject Site Description

The subject site is found on the eastern side of Doctors Creek Road, with the irregularly shaped allotment covering a land area of approximately 22 hectares. The existing dwelling (four bedrooms, two bathrooms, living and open kitchen/dining) and studio are found within the western half of the subject site. A small cabin also exists on the site but was decommissioned as a dwelling under conditions of planning permit P306842/12 to approve the current dwelling on site.

Access to the site is provided via an existing crossover from the western boundary (Doctors Creek Road). There are two existing dams on the property, with most of the property being heavily vegetated. The topography of the site is heavily undulating.

The site is used for rural-residential purposes, with an olive grove and vegetable garden also evident on the site which is in generally accordance with the whole farm plan endorsed as part of planning permit P306842/12.

Surrounding Area

The subject site is found approximately 23 km to the south-east of the township of Broadford and approximately 20km to the north-east of Wandong. The site is accessed via Spur Road to the south or Reedy Creek Road to the north.

Adjoining properties to the north, west and east are within common zoning (Farming Zone), with land to the south of the subject site located within the Rural Conservation Zone. Several properties within the immediate area are used for rural-residential purposes due to the limited agricultural opportunities presented by the topography and dense vegetation within the area. The topography also causes a number of drainage lines to cross the landscape.

The nearest neighbouring dwelling is in excess of 200 metres from the existing dwelling and studio on the subject site.

PROPOSAL

The application is seeking approval for the use of the land for a place of assembly (yoga retreat and recreation) and associated accommodation. The details of the proposal are as follows:

- To be conducted within the existing dwelling and studio, the retreat would operate every 6-8 weeks with a maximum of 9 participants on site at any one time. There would also be one instructor and one co-instructor (who also acts as cook) during the retreats.

PLANNING PERMIT APPLICATION PLP298/17 FOR USE OF THE LAND FOR A PLACE OF ASSEMBLY (RECREATION USE) AND ACCOMMODATION AT 440 DOCTORS CREEK ROAD, CLONBINANE (CONT.)

- To be operated over weekends (Friday evening to Sunday afternoon), the retreat is proposed to provide a number of yoga experiences (pranayama, yoga and meditation) and pilates. Nature walks within the subject site are also proposed as part of the experience.
- Whilst carpooling is encouraged as part of the proposal, the application provides a maximum of 6 cars on site during the retreat.
- There are no buildings and works proposed as part of the application. The existing decommissioned cabin will also not be used as part of the proposal.

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 PLP298/17 for the use of the land for a place of assembly (recreation use) and accommodation at 440 Doctors Creek Road, Clonbinane.

5.3 PLANNING PERMIT APPLICATION PLP335/17 FOR USE OF THE LAND FOR A PLACE OF ASSEMBLY (RESPITE AND RECOVERY CENTRE) AND ASSOCIATED ACCOMMODATION AT 8150 GOULBURN VALLEY HIGHWAY, TRAWOOL.

Author: Mathew Mertuszka - Principal Planner

File No: PLP335/17

Attachments: Nil

| | |
|---|---|
| Property No.: | 104690 |
| Title Details: | Lot 1 on Plan of Subdivision 527772F Volume 10821 Folio 752 Lots 1 and 2 on Plan of Subdivision 172752Y Volume 09242 Folio 573 |
| Applicant: | Frank Kruize Consulting |
| Zoning: | Farming Zone |
| Overlays: | Bushfire Management Overlay Significant Landscape Overlay – Schedule 2 Erosion Management Overlay |
| Objections Received: | 52 objections received |
| Cultural Heritage Management Plan Required: | No, the subject site is found outside of land identified as being 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 |

PLANNING PERMIT APPLICATION PLP335/17 FOR USE OF THE LAND FOR A PLACE OF ASSEMBLY (RESPIRE AND RECOVERY CENTRE) AND ASSOCIATED ACCOMMODATION AT 8150 GOULBURN VALLEY HIGHWAY TRAWOOL. (CONT.)

SITE MAP



SUMMARY

The application is seeking approval for the use of the land for a place of assembly (Respite and Recovery Centre) and associated accommodation. The land is located within the Farming Zone and is affected by the Bushfire Management Overlay, Significant Landscape Overlay – Schedule 2 and the Erosion Management Overlay of the Mitchell Planning Scheme.

The application was advertised to all adjoining landowners and occupiers with a total of 52 objections being received.

SITE AND SURROUNDS

Subject Site Description

The subject site is found on both the eastern and western sides of the Goulburn Valley Highway and consists of three irregularly shaped title lots. The site covers a total area of approximately 5 hectares.

The subject site currently contains the Trawool Resort Hotel, which also includes motel units on the northern side of the hotel structure, a tennis court, car park, dam and residential building (noted as a caretaker's cottage on the site plan).

The portion of the site found on the western side of the Goulburn Valley Highway is vacant of structures, with most of that part of the site being vegetated. Vegetation on the remainder of the site consists of scattered native vegetation. The topography of the site slopes down to the north-east, with part of the site to the west of the Goulburn Valley Highway being more heavily sloped.

PLANNING PERMIT APPLICATION PLP335/17 FOR USE OF THE LAND FOR A PLACE OF ASSEMBLY (RESPIRE AND RECOVERY CENTRE) AND ASSOCIATED ACCOMMODATION AT 8150 GOULBURN VALLEY HIGHWAY TRAWOOL. (CONT.)

Surrounding Area

The subject site is found within the settlement of Trawool, approximately 12km to the south-east of the township of Seymour and approximately 11km to the east of the township of Tallarook. The site is accessed by the Goulburn Valley Highway and is bound to the north and east by the Great Victorian Rail Trail (Rail Trail). The Goulburn River is located approximately 500 metres to the north and east of the subject site.

Adjoining land is found within common zoning (Farming Zone), with a variety of lot sizes and shapes found within the immediate area. Rural residential properties are found to the south and west of the subject site, with another property developed with a dwelling found to the east of the Rail Trail.

Properties with river frontage are primarily used for agricultural purposes, with land on the southern and western side of the Goulburn Valley Highway being used for small scale agricultural purposes due to site constraints (topography and granitic nature of the land). Land on the southern and western side of the Highway is also more heavily vegetated than that found on the northern and eastern sides of the Goulburn Valley Highway.

PROPOSAL

The application seeks approval for the use of the land for a place of assembly (Respite and Recovery Centre) and associated accommodation. The details of the proposal are as follows and at Attachment 1:

- A maximum of 40 clients on site (commencing with 20 clients for the first two years);
- Maximum treatment periods of 14 weeks, which are variable depending on personal circumstances;
- Utilisation of the existing hotel (21 bedrooms) and motel (7 units) structures for accommodation of both patrons and staff, with other existing hotel facilities (such as the conference room, kitchen and gym) also being utilised in the proposal);
- The facility is proposed to be staffed 24-hours a day. Support workers will reside overnight, with day staff taking over during the day. The centre manager will reside on-site Monday to Friday;
- 32 car parking spaces to be provided within the subject site.

Clients will be referred from such community agencies as the Salvation Army, EACH, Secada and Corrections Victoria.

The program itself will consist of individual plans including financial and gambling counselling, fitness, support groups including for grief and loss, training groups (for goal setting, drug and alcohol recovery information, etc), relapse prevention courses (understanding the basics of recovery and self-help groups).

Clients will also maintain the facility grounds, assist with gardening and looking after livestock with the maintenance staff.

PLANNING PERMIT APPLICATION PLP335/17 FOR USE OF THE LAND FOR A PLACE OF ASSEMBLY (RESPIRE AND RECOVERY CENTRE) AND ASSOCIATED ACCOMMODATION AT 8150 GOULBURN VALLEY HIGHWAY TRAWOOL. (CONT.)

HEARING AND CONSIDERATION OF SUBMISSIONS

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

The applicant and 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 PLP335/17 for the use of the land for a place of assembly (Respite and Recovery Centre) and associated accommodation at 8150 Goulburn Valley Highway, Trawool.

6 SUBMISSIONS

PUBLIC PARTICIPATION FORUM

In accordance with Clause 65 of the Meeting Procedure Local Law 2014.

7 QUESTION TIME

8 COMMUNITY PRESENTATIONS

9 DATE OF NEXT MEETING

Meetings of the Community Questions and Hearings Committee are scheduled for the second Monday of the month. If no submissions are scheduled to be heard at a particular meeting of the Committee, the meeting will be cancelled. The next meeting of the Community Questions and Hearings Committee is scheduled for 7.00pm on Tuesday 12 June 2018 at Mitchell Civic Centre, 113 High St, Broadford.

10 CLOSE OF MEETING