

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 345 TANTARABOO ROAD, WILLOWMAVIN (CONT.)

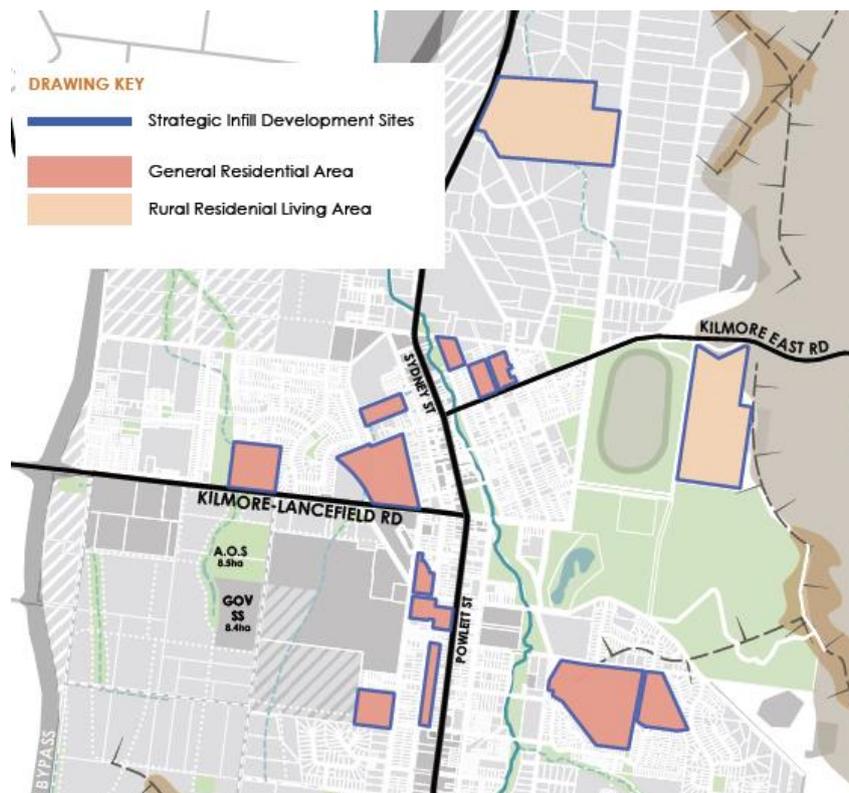


Figure 2: Kilmore Structure Plan infill residential development sites

Kilmore Infrastructure Funding Framework

Mesh Planning, in collaboration with Council Officers, have prepared the *Kilmore Infrastructure Funding Framework, July 2017* (KIFF) which proposes a standard contribution for growth areas and infill areas. The KIFF outlines the infrastructure required to support growth in Kilmore.

The Amendment proposes incorporating the KIFF into the Mitchell Planning Scheme as a reference document. If adopted and approved, the KIFF will provide a strategic basis for developer contributions to the direct provision of infrastructure, whether it be through works in kind agreement or monetary contributions for.

This approach will provide certainty to Council, land owners and developers regarding development and the associated funding requirements for future infrastructure to service the planned growth of Kilmore.

Sydney Street Town Centre and Key Gateway Sites Design Development Overlay

The Kilmore Structure Plan identifies the Sydney Street town centre as the retail, community service and entertainment core of Kilmore and identifies key gateway sites that mark the entrances into the township.

The Kilmore Structure Plan recommends a Design Development Overlay be applied to Sydney Street town centre and the key gateway sites at Tootle Street and Clarke Street. The gateway sites are shown on Figure 1 above and are marked with stars. The Design Development Overlay can specify or recommended building design

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requirements, such as building heights and setbacks and will provide certainty regarding building design outcomes preferred by Council.

The proposed Sydney Street and Key Gateways Site Design Development Overlay will encourage future development to:

- Have regard to building heights, form and heritage character of the area.
- Recommends appropriate setbacks for Sydney, Patrick and Melbourne Streets.
- Discourages extensive car parking along the Sydney Street frontage.
- Improve the pedestrian experience of Kilmore.
- Encourage walkways through lots that front both Sydney Street and Patrick or Melbourne Streets.
- Encourage appropriate development along Melbourne Street, Patrick Street and Kilmore Creek frontages.

Kilmore East

Kilmore East is a low density rural living area with predominate rural standard roads, no reticulated sewerage, and highly vegetated large lots. Kilmore East is currently within the Township Zone which can allow for a wide range of permitted land uses, including commercial and standard suburban density residential subdivision.

The Kilmore Structure Plan recommends rezoning Kilmore East to Low Density Residential Zone and applying a minimum lot size to reflect servicing constraints and current development pattern.

Council Officers have prepared the *Kilmore East Planning Control Review, June 2017* which makes recommendations based on a review of township character, lot sizes, land uses and servicing constraints.

The Review recommends rezoning Kilmore East to Low Density Residential Zone or retaining the Township Zone with a schedule to guide future land uses and development as since adoption of the Kilmore Structure Plan State Government has allowed for Neighbourhood character objectives and decision guidelines to be inserted into Township Zone schedules.

It is considered appropriate to retain the Township Zone to allow for more flexibility with future land uses. Provisions will be included within the Local Areas Policy at Clause 21.11-3 (Local Areas/Kilmore) and within a new schedule to the Township Zone to ensure future subdivision and land uses remain compatible with the predominately rural residential character of the area.

Wandong-Heathcote Junction

The Wandong-Heathcote Junction Structure Plan proposes the following changes to planning controls:

- Rezone part of Wandong to Neighbourhood Residential Zone and apply a Design and Development Overlay.
- Apply a lot size minimum of 4,000sqm to part of Heathcote Junction.
- Two minor re-zonings.
- Revision of Local Policy.

Each of these changes are discussed below.

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Wandong Village Neighbourhood Residential Zone and Design and Development Overlay

The Wandong-Heathcote Junction Structure Plan recommends protective planning controls for the Wandong Village area of the township as shown at Figure 3.

Council Officers, with assistance from Outlines Landscape Architecture, have prepared the *Wandong-Heathcote Junction Neighbourhood Character Assessment, July 2017* to provide clear policy recommendations to manage potential future growth and development of the township.

The Character Assessment analysed existing dwellings, including setbacks, building heights, front fences, site coverage and lot sizes to provide informed planning policy recommendations for the area.

To protect the existing character of the Wandong Village and ensure future development is appropriate for the level of infrastructure in the township, the Character Study and Structure Plan recommends rezoning the area from General Residential Zone to Neighbourhood Residential Zone and apply a Design and Development Overlay.

The purpose of the Neighbourhood Residential Zone is to recognise areas of predominately single or double storey residential development and to ensure future development respects the identified neighbourhood character, heritage, environmental or landscape characteristics of an area. As Wandong Village is predominately large lots with single storey housing with large setbacks, the Neighbourhood Residential Zone is considered appropriate for the area.

Amendment C123 proposes a Neighbourhood Residential Zone Schedule and Design and Development Overlay that will:

- Restrict building height to a maximum of nine metres or two storeys.
- Restrict site coverage and permeability (typically dwellings including driveways, outbuildings and decks) to no more than 40% of site coverage.
- Require a planning permit for any front fence greater the 1.2m high and restrict any fence greater than 1.5m high.
- Require a planning permit if front and side setback conditions are not met.

The proposed schedule and overlay will ensure that Wandong Village retains the rural township character valued by the community.

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Figure 3: Wandong Village

Heathcote Junction Low Density Residential Zone Lot Size Minimum.

The Wandong-Heathcote Junction Structure Plan and Neighbourhood Character Study recommends applying a scheduled lot size minimum of 4,000sqm to the Low-Density Zone area of Heathcote Junction east of Rail Street. Currently the lot size minimum for this area is 2,000sqm as the area is serviced by reticulated sewerage.

The Neighbourhood Character Study reviewed the streetscapes, planning controls, infrastructure, biodiversity, number of existing dwellings and property sizes in the area. The Neighbourhood Character Study recommends a minimum lot size of 4,000sqm. There are 383 properties within the area, of which 181 are larger than 4,000sqm. Based on current zoning provisions and the large lot sizes, an additional 298 lots could be created which would almost double the number of dwellings in the area.

Such an increase in the number of dwellings in the area would have a significant detrimental impact on the character and environmental values of the area and potentially increase the fire risk. Further, the current lot size will result in significant loss of vegetation as land would need to be cleared for new dwellings if further subdivision is created. In addition, road infrastructure in parts of this area are substandard and are not appropriate for further residential development.

Increasing the lot size to 4,000sqm will allow for an additional 46 lots or 61 dwellings on current vacant lots in the area as there are several larger undeveloped sites within the area.

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Figure 4: Heathcote Junction 4,000sqm lot size minimum area

Minor Re-Zonings

The Wandong-Heathcote Junction Structure Plan recommends correcting two zoning anomalies:

- Rezone nine lots on Baden Drive from General Residential Zone to Low Density Residential Zone (Figure 5).
- Rezone 85 and 87 Rail Street from Commercial 1 Zone to General Residential Zone (Figure 6).

The General Residential Zone lots on Baden Drive are all large rural living lots that are developed with dwellings and surrounded by Low Density Residential Zone Land.

The Commercial 1 Zone land at 85 and 87 Rail Street are smaller suburban residential sized lots, with parts of 87 Rail Street developed for medium density detached housing surrounded by low density residential dwellings. Commercial land is not required at this location as the Structure Plan encourages commercial development within the town centre. Refer to Figure 6 below.

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Figure 5: Baden Drive, Rezone outlined area from General Residential Zone (GRZ) to Low Density Residential Zone (LDRZ)



Figure 6: Rail Street, Rezone outlined area from Low Density Residential Zone to General Residential Zone

Revised Local Planning Policy Framework

The Amendment proposes appropriate revisions of the Local Planning Policy Framework in accordance with the Kilmore and Wandong-Heathcote Junction Structure Plans, including Local Areas at Clause 21.11.

The Local Areas policy nominates Council’s vision for each township, township boundaries and policies regarding economy, environment, heritage, and other matters relevant to individual townships. The Local Areas policy is used to provide individual township policy consideration for most land use and development planning permit applications.

The Kilmore Local Areas policy is proposed to be revised in accordance with the Kilmore Structure Plan. In summary, the proposed revised policy:

- Nominates that future growth of Kilmore will be delivered through planned, coordinated and careful sequence of development in the identified designated infill and greenfield areas.

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- Clearly illustrates the future township boundaries of Kilmore. (The proposed Kilmore-Wallan Bypass to the south and west, Quinns Road and the ridgeline to the east and the rural living area to the north.)
- Clearly shows greenfield residential growth areas.
- Encourages open space and share path/pedestrian links through the town along key waterways and disused rail reserves.

The Wandong-Heathcote Junction Local Areas policy is also proposed to be revised in accordance with the Wandong-Heathcote Junction Structure Plan. The proposed revised policy recognises that Wandong-Heathcote Junction has modest growth opportunities as a result of environmental constraints, and the desire to protect and enhance the preferred neighbourhood character, environmental heritage and landscape qualities of the township.

CONSULTATION

The views of relevant referral agencies, landowners and the community will be considered through exhibition of proposed Amendment C123, in accordance with the provisions of Section 19 of the *Planning and Environment Act 1987*. The Amendment will be placed on exhibition for a minimum of one calendar month.

Exhibition of the proposed Amendment will include:

- Direct notification of any relevant referral agencies, directly affected land owners and local land developers, including a plain English information sheet.
- Advertisements in the North Central Review and the Victorian Government Gazette.
- Advertising and electronic copies of all Amendment documentation including an information sheet will be available on the Mitchell Shire Council website, Engaging Mitchell website and the Department of Environment, Land, Water and Planning (DELWP) website.
- Hard copies of all Amendment documentation will be available at the Wallan Library, Wandong Public Hall, Kilmore Library and Broadford Customer Service Centre.
- Community drop in sessions will be held at both Kilmore and Wandong-Heathcote Junction.

Any submissions received during the exhibition period will be considered via a future Council report and if any submission is unable to be resolved it will be referred to an Independent Planning Panel for consideration.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

Implementation of the Kilmore and Wandong-Heathcote Junction Structure Plans is included within the 2017-2018 Council Budget and includes resources to cover the costs of any associated planning panel.

The proposed Amendment nominates standard developer contribution rates for Kilmore's growth areas through introduction of the *Kilmore Infrastructure Funding*

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Framework, July 2017 (KIFF) into the Mitchell Planning Scheme as a reference document.

If adopted and approved, the KIFF will provide strategic justification for future infrastructure requirements for growth within the identified greenfield and infill development sites within the Kilmore Township. This will provide certainty to Council, land owners and developers regarding future development contribution requirements and appropriate funding for future infrastructure to service Kilmore's growth areas.

This will assist Council in providing physical and social infrastructure required to accommodate projected population growth.

POLICY AND LEGISLATIVE IMPLICATIONS

Implementation of the Kilmore and Wandong-Heathcote Junction Structure Plans is consistent with the *Mitchell Shire Council Plan 2017-2021*. Key Strategy 3.1 of the Council Plan states that Council should "*Plan for growth and change through best practice design of services, infrastructure, open space and recreation facilities*".

Implementation of the Kilmore and Wandong-Heathcote Junction Structure Plans is nominated at Actions 3.1.3 and 3.1.4 of the Council Plan.

State Planning Policy nominates Kilmore as a peri-urban growth town in the *Hume Regional Growth Plan, May 2014* and *Plan Melbourne, March 2017*. Strong population growth requires a comprehensive planning framework to ensure orderly growth that will benefit both current and future residents and provide certainty to land owners and developers regarding future land uses and development. State Planning Policy does not identify Wandong-Heathcote Junction as a growth area township.

The proposed Amendment has been prepared in accordance with the provisions of the *Planning and Environment Act 1987*.

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

This Planning Scheme Amendment will implement and support a sustainable future for both townships and includes provision that will improve the social and environmental sustainability of the communities and environments.

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.

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

This report recommends that Council commences the process to implement the Kilmore and Wandong-Heathcote Junction Structure Plans into the Mitchell Planning Scheme. The Structure Plans are Council's adopted strategic vision for both townships

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and formalising this within the Planning Scheme is vital to ensuring that Kilmore and Wandong-Heathcote Junction develops in a fair, orderly and sustainable manner.

It is recommended that Council request authorisation from the Minister for Planning to prepare Planning Scheme Amendment C123 and upon receipt of authorisation it is recommended that Council exhibit Planning Scheme Amendment C123 for a period of one month.

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9.3 PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 345 TANTARABOO ROAD, WILLOWMAVIN

Author: Niall Sheehy - Manager Development Approvals

File No: P306247/10.02

Attachments: 1. [Ordinary Council Meeting Minutes 20 February 2017](#)
2. [Ordinary Council Meeting Agenda 20 February 2017](#)

SUMMARY

Property No.:	105267
Title Details:	(Crown Allotment 3, 4, 6, 8 and 14, Parish of Goldie)
Applicant:	Greenvale Field and Game Association Inc.
Zoning:	Farming Zone
Overlays:	Part Environmental Audit Overlay, Erosion Management Overlay, Salinity Management Overlay, Bushfire Management Overlay
Objections Received:	Nine (9)
Cultural Heritage Management Plan Required:	No, the subject site is not found within an area of Aboriginal Cultural Heritage Significance therefore a CHMP is not required.
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

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SITE MAP



SUMMARY

This report recommends that Council issue a Notice of Decision to Amend Planning Permit P306247/10 to allow for a shoot event that is scheduled to take place on the second Saturday of March each year on an ongoing annual basis between the hours of 9am and 6pm. The event is already permitted on this day but the amendment seeks two additional hours of shoot time on this date only, with one additional hour in the morning and one additional hour in the evening.

Council considered this request in February 2017 and resolved to defer consideration of the application to enable further negotiation between the permit applicant, objectors and Council officers.

This further negotiation has occurred in the form of additional correspondence and a meeting held on site chaired by Council and attended by the applicants and objectors.

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SITE AND SURROUNDS

Subject Site Description

The subject land is an existing Field and Game Club shooting range located on land to the west of Tomlinson Track and to the south of Tantaraboo Road in Willowmavin, approximately 13km to the west of Kilmore.

The site consists of five crown allotments covering a total area of approximately 78.86ha. The entrance to the site is located approximately 230m north of the intersection of Tantaraboo Road and Tomlinson Track. The internal access way is approximately 720m in length and crosses CA 4 and CA 8 to the site of the clubhouse and associated shedding which are located on CA 8 and CA 3.

Ten existing shooting stands and shooting stand outfall areas are sited on various locations across CA 3, CA 6, CA 8 and CA 14. The firing stands are located along both sides of a waterway with the stands designed to shoot away from the creek line and lead shot to be contained in the shooting stand outfall areas. A track from the clubhouse runs along either side of the waterway to provide access to the shooting stands and includes rough creek crossings.

The land is part of a larger rural land holding totalling approximately 246ha which includes a dwelling located approximately 715m to the east of the clubrooms. There are hills to the north and northwest of the clubhouse which are shown on Council's mapping to rise to approximately 450m on CA 6 and CA 8. The unnamed waterway between the shooting stands runs between the two hills down to a level of approximately 400m and the site of the clubhouse. The waterway has a good cover of native vegetation along the adjacent riparian area and there are vegetation patches and scattered native paddock trees across the allotments.

Planning Background

Council resolved planning permit application P306247/10 in April 2012 by issuing a planning permit subject to conditions. Council officers recommended approval which was carried by Council. Objectors subsequently challenged the decision in VCAT however were unsuccessful. Planning permit P306247/10 was issued under the direction of the Victorian Civil and Administrative Tribunal to use the land for leisure and recreation (simulated field and game shotgun target range) on 24 May 2013.

The permit allows for shooting on a maximum of 24 calendar days in a year (excluding Sundays and Public Holidays) plus an additional maximum 4 weekdays per calendar year (excluding public holidays) allocated exclusively to training for an educational institution or public authority. A maximum of 200 shooters are permitted at any one event and shooting must not occur on the land before 10am or after 5pm Monday to Saturday and not at all on Sundays or Public Holidays.

A key condition outcome from VCAT's decision removed the right of the permit holder to amend the permit under Secondary Consent provisions, instead all future amendments must be considered under Section 72 of the Planning and Environment Act (a full amendment which requires public notification unless determined by Council Officer's that the amendment would not result in material detriment to any person).

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It is noted that planning permit P300584 was issued at the direction of the Administrative Appeals Tribunal to use the land as a simulated field and game shotgun target range on 18 August 1997. This permit has since been cancelled under the direction of condition 34 of planning permit P306247/10.

Subject to this application the permit was approved by Council on 15 March 2016 that allowed an increase in the allowable shoot time by two hours on a single day on 12 March.

Title/Restrictions/Agreements

No covenants or restrictions have been registered on title to this property.

Surrounding Area

The surrounding area is wholly located within the Farming Zone and is characterised by large land parcels with the predominant agricultural land use being stock grazing. This is most notable to the north, south and west of the site.

Land to the east in the direction of Kilmore consists of a variety of land sizes including the two significant equine operations, other large grazing properties as well as a number of smaller land parcels used for lifestyle purposes generally with a dwelling and hobby farm activities

PROPOSAL

The application is seeking to amend condition 5 of the planning permit to extend the permitted shooting hours from 10am - 5pm to 9am - 6pm on the second Saturday of March on an annual basis, to accommodate a once yearly pre-duck shooting season event.

The main reason for the extension is to ensure the safe and orderly movement of contestants during the event. The extended shoot day will operate under all other restrictions that are contained on the original permit including patron numbers and is to be accommodated within the 24 permissible annual shoot days, resulting in no additional shoot days per calendar year.

PLANNING SCHEME PROVISIONS

Farming Zone

The subject site is within the Farming Zone pursuant to clause 35.07 of the Mitchell Planning Scheme (the Scheme). A planning permit is required to use the land for leisure and recreation (Section 2 use).

Overlays

The site is affected by the following overlays:

- Erosion Management Overlay
- Salinity Management Overlay
- Bushfire Management Overlay
- Environmental Audit Overlay (part).

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As there are no buildings or works associated with this application, a planning permit is not required under the overlay controls

Particular Provisions

Clause 52.06 (Car parking) of the Scheme applies to a new use or an increase in the number of patrons for an existing use (amongst other things). The provision does not specify a car parking rate for a leisure and recreation use and therefore car parking must be to the satisfaction of the Responsible Authority. Given that this amendment does not proposal an increase in patronage, consideration against Clause 52.06 is not required.

State Planning Policy Framework (SPPF)

The following provisions of the SPPF are applicable:

Clause 13.04 –1 (Noise abatement) which has the objective to ‘assist the control of noise effects on sensitive land uses’.

Clause 13.05-1 (Bushfire) which has the objective to ‘assist to strengthen community resilience to bushfire’.

Clause 14.01 (Agriculture) which has the objective to ‘protect productive farmland which is of strategic significance in the local or regional context’.

Clause 14.02-2 (Water quality) which has the objective to ‘protect water quality’.

Clause 17.03-1 (Facilitating tourism) which has the objective to ‘encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination’.

Clause 19 (Transport) which seeks to ensure that land use and transport are integrated and that consideration is given to the management of the road network.

Local Planning Policy Framework (LPPF)

The following sections of the LFFP are relevant:

Clause 21.03 (Key Issues) identifies that opportunities will be pursued and assisted by Council where they are characterised by the following attributes:

- Contributes to employment generation.
- Is compatible with surrounding land uses.
- Is supported by or can be supplied with appropriate infrastructure.
- Does not negatively impact on the environment or on liveability attributes of the Shire.

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Clause 21.04 (Strategic vision and framework maps) identifies the strengthening and broadening the economic base through the provision of a greater number and diversity of jobs in the Shire's towns and rural areas.

Clause 21.05-2 (Employment) has the objective to support agriculture as a major contributor to the Shire's economy.

PUBLIC NOTIFICATION (ADVERTISING)

Formal notification of the application was given by means of posting notices to adjoining property owners and occupiers including all previous objectors of planning permit P306247/10. A sign was also placed at the main entrance to the premises for a period of 14 days. A total of nine (9) objections was received including one letter of support.

CONSULTATION/HEARINGS COMMITTEE

The applicant and the objectors to this planning permit application were invited to the Hearings Committee on 13 February 2017 to provide a short verbal presentation in support of their application/submission.

Following the Council resolution in February, the objectors and surrounding residents were provided with a further opportunity to provide written comment. An onsite meeting with objectors, residents and the permit applicant was also undertaken. This meeting is discussed later in this report.

REFERRALS

External

There are no referral requirements under clause 66 of the Scheme or under section 55 of the *Planning and Environment Act 1987*.

Internal

Given the nature of the amendment it was considered that no internal referrals are required for the amendment.

DISCUSSION

On 20 February 2017, Council resolved to defer consideration of the application to extend the shoot day on the second Saturday of March from 10.00am – 5.00pm to 9.00am – 6.00pm to enable further negotiation between the permit applicant, objectors and Council officers.

In response to this, letters were sent to all objectors and a number of properties in the proximity of the subject site. Residents were provided 14 days to provide further comment. Further comment was received from an objector to the proposal. This correspondence identified concerns with "one off" proposals which will in the view of the objector, "slowly permanently erode the conditions" of the permit.

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This further submission also identified that the additional two hours will result in additional shots being fired during the day.

To facilitate discussion with residents, the gun club and Council officers, a meeting was organised on 22 July 2017 at the subject site. 19 people attended this meeting including objectors, members of the gun club and the land owner's representative (Field and Game Pty Ltd), residents in support of the application, and members of Council including the Mayor and a Councillor. An officer also attended the meeting.

Each party was provided an opportunity to provide comment. The objectors to the proposal reiterated the concerns provided in their written submissions. These concerns in particular related to the following:

- Noise impacts associated with the additional two hours;
- Impact on traffic;
- Conflict between the additional two hours proposed and the use of nearby land and local road network for equine related use;
- Litter deposited on roadsides; and
- Incremental growth of gun club beyond the existing approval with no certainty in relation to the club's future intentions.

It should be noted that two objectors identified that whilst they have objected, they do not object to the two additional hours being applied for, but believed they have to object to bring to Council's attention their concerns with growth/intensification of the approved use on the land.

Members of the gun club identified the following:

- The proposal seeks to operate for an additional two hours and is in accordance with the guidelines of the Environment Protection Authority (EPA);
- There is no evidence that litter deposited on the road is from members/visitors of the club. However, the club actively collects litter from the roadside;
- The club operates in accordance with the requirements of the permit, including the restricted time frames (10.00am – 5.00pm);
- Visitors to the site contribute to the local economy; and
- There gun club cannot predict future applications that may be lodged for Council's consideration at a later stage.

The attendee acting on behalf of the land owner also identified that he could not predict any future applications that would seek to alter the approved use and acknowledged the degree of uncertainty in regard to this.

General comment from residents in support of the application identified the following:

- Noise generated from the use is not excessive and at times is inaudible from inside dwellings;
- Other noise sources have greater impacts on the amenity of the area including trail bikes and barking dogs; and

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- Other uses, including trucks/trailers associated with the local equine use of properties is more detrimental to the safety of road users.

One resident who was supportive of the application identified uncertainty regarding future applications as a concern.

It is acknowledged that uncertainty regarding future applications is a concern for members of the community. While this is a concern, Council is required to assess each application on its individual merits and is prevented from considering future applications in the assessment of the current proposal. Should a future application be lodged with Council for an additional use and/or a variation to the existing permit, it will be required to follow due process as prescribed by State Government legislation.

CONCLUSION

For the reasons provided in the officer reported presented to Council on 20 February 2017, which is appended to this report, it is considered that the proposal to amend the existing planning permit to enable one annual event to take place on the second Saturday of March from 9.00am to 6.00pm is appropriate and worthy of Council support subject to the changes to the permit conditions below.

RECOMMENDATION

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Decision to issue to amend a Planning Permit in respect of Application No. P306247/10 for the use of the land for leisure and recreation (simulated field and game shotgun target range) at 345 Tantaraboo Road, Willowmavin (formally 22 Tomlinsons Track, Willowmavin) subject to the following changes to the permit conditions:

Amended plans

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show a site layout plan which includes the following:
 - a) The boundaries and dimensions of the site;
 - b) Adjoining roads and vehicle access points;
 - c) Relevant ground levels of the site;
 - d) The location of any waterways or watercourses and existing vegetation or landscaping within the site;
 - e) The layout of each existing building and its intended use;
 - f) The location and dimensions of vehicle access ways and parking areas compliant with condition 12;
 - g) The location of shooting stands and outfall areas;
 - h) The location of any access tracks or walkways around the shooting range;
 - i) The location and materials of any fencing surrounding or within the site;

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- j) The location and layout of overflow parking areas; and
 - k) Any changes to the location or layout of shooting stands in accordance with condition 3.
2. The layout of the use on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. The location of shooting stands must be sufficiently removed from any watercourse (ephemeral or otherwise) to ensure that no spent shot or clay target debris enters any waterway, to the satisfaction of the Responsible Authority.
 4. Fencing around the perimeter of the shooting range must be maintained to the satisfaction of the Responsible Authority. The permit holder must ensure that all approved shooting activities are confined within the fenced area.

Use of the land

5. Shooting must not occur on the land before 10am or after 5pm Monday to Saturday and not at all on Sundays or Public Holidays.

5.1 Notwithstanding condition 5 of this permit, shooting may occur on the land between 9.00am – 6.00pm on the second Saturday of March each year.

6. The use may operate a maximum of 24 days in any calendar year (excluding Sundays and Public Holidays) plus an additional maximum 4 weekdays per calendar year (excluding Public Holidays) allocated exclusively to training for an educational institution or public authority.
7. A maximum of 200 shooters are permitted at any one event.
8. Before the use starts, an Operational Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The operation of the use must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must include:
 - a) Staffing and other arrangements which are designed to ensure the orderly operation of the use;
 - b) Staff communication arrangements;
 - c) Measures to manage patron behaviour including:
 - i. No deliberate interference with wildlife;
 - ii. Prohibition on alcohol and illicit drugs while engaged in the use;
 - iii. Limiting smoking to the compound area and not within the shooting ranges; and
 - iv. Ensuring shooting is only undertaken within the shooting stands;
 - d) The use must operate in accordance with the rules and regulations of the Australian Field and Game Association;
 - e) The firearms permitted to be used for the event are limited to shotguns;

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 345 TANTARABOO ROAD, WILLOWMAVIN (CONT.)

- f) Notification to participants that local roads are shared with horse riders and that caution should be exercised; and
 - g) A mechanism to communicate the Operational Management Plan requirements for the shooting range to members and shooters of the club.
9. The land must not be used for the purpose of camping except with the written consent of the Responsible Authority.
10. On at least two occasions in any calendar year, the permit holder must cause to publish in the newspaper circulating in the district with the highest readership, a complete schedule of all shooting events to be conducted in the calendar year on the subject land.

Carparking and traffic

11. Before the use starts, a Traffic and Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include:
- a) The location of all areas onsite to be used for staff and patron parking;
 - b) Specification of staff numbers adequate to enable efficient operation of car parking onsite;
 - c) The means by which the direction of traffic flows to and from car parking areas will be controlled;
 - d) Measures to discourage patron car parking offsite;
 - e) Staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time;
 - f) Servicing of the drainage and maintenance of car parking areas; and
 - g) A mechanism to communicate to members and visitors of the club a preferred route to and from the shooting range by travelling east along Willowmavin Road into Forbes-Moranding Road and then into Tantaraboo Road.

Traffic and parking operations on and adjacent to the site must conform to this endorsed plan.

12. Car parking for the use must be provided onsite with a minimum of 60 spaces made available for the use with additional parking overflow areas to the satisfaction of the Responsible Authority.
13. Vehicular access to the permanent car parking area must be surfaced and permanently maintained to the satisfaction of the Responsible Authority.

Drainage, waste and site clean-up

14. All sewerage and sullage waters must be treated on-site to the satisfaction of the Responsible Authority. All effluent must be disposed of within the curtilage of the land and a sufficient area must be kept available for the purpose of effluent disposal to the satisfaction of the Responsible Authority.

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 345 TANTARABOO ROAD, WILLOWMAVIN (CONT.)

15. No untreated effluent may drain directly or indirectly into any watercourse or dam.
16. Bins must be located at each shooting stand, trap house and associated building for the purpose of collection of all rubbish (including unbroken clay targets, empty cartridges and cartridge packets) and must be removed from the site and deposited at an approved location at the end of each event to the satisfaction of the Responsible Authority.
17. Site clean-ups must be carried out at the end of each day's event to the satisfaction of the Responsible Authority.
18. Culverts of a suitable capacity are to be used where all roads and access tracks cross drainage lines. All culverts must be designed by a suitably qualified engineer and have concrete endwalls. Culverts must be located and constructed to the satisfaction of the Responsible Authority.
19. All roads and access tracks must be suitably drained in order to minimise any soil erosion and sediment movement and to be restricted to slopes of not more than 15%.
20. All hard surface drainage water must pass through properly designed and maintained sediment traps before discharge into any streams or creeks.

Advisory signage

21. The applicant by agreement is required to fund the installation of permanent signage warning road users of the potential to encounter horses, pedestrians and cyclists sharing the roadway. The signs must be located in positions approved by the Responsible Authority along Tantaraboo Road from its intersection with Forbes-Morandring Road and the entrance to the subject land, to the satisfaction of the Responsible Authority.

Fire prevention and safety

22. All weather access must be provided to the parts of the site accessed by the public/members and be suitably constructed to enable fire fighting vehicles to traverse with ease and safety. Adequate turning circles and passing bays must be provided. Culverts must be constructed to carry the weight of a 20-tonne fire tanker.
23. Water storage tank(s) of not less than 20,000 litres must be provided solely for firefighting and fire prevention purposes and to be fitted with an approved CFA compatible fixture; or a minimum 1 megalitre water storage dam must be located in close proximity to the onsite buildings. If the storage tanks or dams are not readily accessible to the onsite buildings, a delivery point from the water source must be provided at the onsite buildings which provides for the following:

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 345 TANTARABOO ROAD, WILLOWMAVIN (CONT.)

- A minimum flow rate of 270 litres per minute.
 - Fitted with a CFA compatible fixture.
 - The flow rate of the nozzle must be at least 27 litres per minute.
24. Within two months of the date of this permit, an amended 'Fire Prevention Policy and CFA Pre-Incident Plan' must be prepared on behalf of the permit holder and submitted to the Responsible Authority for its approval, to the satisfaction of the Responsible Authority in consultation with the CFA. When approved the plan will be endorsed and will form part of the permit. The plan must include (but is not limited to):
- a) Details of site upkeep (including management of fuel loads) prior to and during the fire season;
 - b) How the operation of the use complies with CFA regulations and procedures;
 - c) Details of evacuation measures in the event of a fire; and
 - d) Specification that no shooting may occur on the property during days of Total Fire Ban.

Acoustic amenity

25. Shooting events must be scheduled and managed to ensure that the noise limits (Impulse noise measurements) stated below are met in accordance with the Environment Protection Authority 'Noise from outdoor shooting ranges' Publication 1508 October 2012:

Days of Shooting Per Week	<1 Days	1	2
Monday– Saturday	60	55	50

- All units are measured in the Impulse Noise Level dB(A)(I).
 - <1 Day = max 1 day per month.
 - Noise levels are to be measured outdoors at the sensitive land use and within 20 metres of the wall of the existing building which has the most noise impinging upon it (excluding the opposite side of the building from the shooting range).
26. An Acoustic Report prepared by an independent acoustic engineer must be submitted to the Responsible Authority to its satisfaction within three months of the approved use commencing.

Such a report must detail whether the noise levels associated with the use are in accordance with condition 25 and the Environment Protection Authority 'Noise from outdoor shooting ranges' Publication 1508 October 2012.

If the noise levels exceed those specified in condition 25, the report must outline a program or measures to ameliorate or attenuate noise to ensure that the levels are met, to the satisfaction of the Responsible Authority.

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 345 TANTARABOO ROAD, WILLOWMAVIN (CONT.)

Shooting at the range must not continue until such time that the attenuation measures have been implemented. Thereafter, shooting activities must at all time accord with the recommendations of the report, to the satisfaction of the Responsible Authority.

27. The public-address system must not be audible beyond the boundaries of the land.

Contamination issues

28. A Soil Contamination Report must be prepared by a suitably qualified professional within two (2) years from the commencement of the use. The report must be submitted to and approved by the Responsible Authority in consultation with the EPA. The Soil Contamination Report must include five (5) sample points across the site and document:
- The soil pH levels across the site;
 - Remedial measures to reduce soil pH levels where they exceed 6.5;
 - The soil lead levels across the site and an assessment of any contamination associated with the use of clay targets;
 - Remediation measures to reduce lead levels where they exceed 100mg/kg;
 - Where either pH or soil lead levels exceed these requirements, a course of action to manage the risks and remediate contamination; and
 - Any impacts of introduced contaminants on any waterway.

Ongoing testing must be undertaken for soil contamination in line with the requirements of this condition and must be benchmarked against the outcomes of the report prepared by Paul Williams & Associates dated October 2011. All ongoing tests must be submitted to and approved by the Responsible Authority in consultation with the EPA. The ongoing testing will be required on the following basis:

- If there is no increase to either soil pH levels or soil lead levels from the benchmark figures in the first two-year period then ongoing testing every 3 years thereafter; or
 - If at any stage the soil contamination increases beyond the benchmark figures, annual testing must be undertaken.
29. All shooting activities must be conducted in such a manner that lead shot does not fall into any watercourse (ephemeral or otherwise).
30. Vegetation cover must be maintained across all areas associated with the shooting range at 100 per cent coverage (excluding the clubhouse, parking area and approved access tracks). Silage must not be made from any vegetation within the approved area of the range.
31. Vegetation cover including grassland must not be disturbed, damaged or removed except with the further consent of the Responsible Authority.

General amenity

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 345 TANTARABOO ROAD, WILLOWMAVIN (CONT.)

32. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, Dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;

or in any other way.

Permit expiry and cancellation of former permit

33. This permit will expire if the use is not started within two years of the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.
34. Within one month of the use commencing under this permit, the permit holder must ensure that planning permit No. 300,584 is cancelled.

Notes: *This permit does not authorise the sale or consumption of liquor on the land. Separate permission may be required.*

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 345 TANTARABOO ROAD, WILLOWMAVIN (CONT.)

MITCHELL SHIRE COUNCIL

Council Meeting Attachment

DEVELOPMENT AND INFRASTRUCTURE

21 AUGUST 2017

9.3

**PLANNING PERMIT APPLICATION
P306247/10.02 FOR USE OF THE LAND AND
RECREATION (SIMULATED FIELD AND GAME
SHOTGUN TARGET RANGE) AT 345
TANTARABOO ROAD, WILLOWMAVIN**

Attachment No: 1

**Ordinary Council Meeting Minutes 20 February
2017**

7.6 PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 22 TOMLINSONS TRACK, WILLOWMAVIN

Author: Mathew Mertuszka - Statutory Planner

File No: P306247/10.02

Attachments: Nil

7.31pm Cr Humm left the meeting.

Property No.:	105267
Title Details:	(Crown Allotment 3, 4, 6, 8 and 14, Parish of Goldie)
Applicant:	Greenvale Field and Game Association Inc.
Zoning:	Farming Zone
Overlays:	Part Environmental Audit Overlay, Erosion Management Overlay, Salinity Management Overlay, Bushfire Management Overlay
Objections Received:	9
Cultural Heritage Management Plan Required:	No, the subject site is not found within an area of Aboriginal Cultural Heritage Significance therefore a CHMP is not required.
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

ORDINARY COUNCIL MEETING MINUTES

20 FEBRUARY 2017

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 22 TOMLINSONS TRACK, WILLOWMAVIN (CONT.)

SITE MAP



SUMMARY

This report recommends that Council issue a Notice of Decision to Amend Planning Permit P306247/10 to allow for an event that is scheduled to take place on the second Saturday of March each year on an ongoing annual basis between the hours of 9am and 6pm.

A total of 9 objections were received, one stand alone and 8 combined under a single submission. Summary of objector concerns are found in the table below.

The proposal has been assessed against the relevant provisions of the *Mitchell Planning Scheme* and it is considered acceptable to support the application subject to no further changes to the conditions of the permit apart from the proposed increase in allowable shoot hours on the second Saturday in March each year.

ORDINARY COUNCIL MEETING MINUTES

20 FEBRUARY 2017

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 22 TOMLINSONS TRACK, WILLOWMAVIN (CONT.)

Objector	Grounds of objection
Resident 1	<ul style="list-style-type: none"> Objecting to the very existence of the club, increase in hours would add to the ambient noise and cause distress to local residents and animals
Residents (8 signatures on a joint submission)	<ul style="list-style-type: none"> Concerns (seeking clarification) whether the additional hours would constitute an additional shoot day under the permit. That the proposal would result in consecutive shoot days and intensify the use to an unacceptable standard.

MOVED: CR. B. CHISHOLM

SECONDED: CR. F. STEVENS

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolves that consideration and determination to amend Planning Permit Application P306247/10.02 for the use of the land for leisure and recreation (simulated field and game shotgun target range) at 22 Tomlinsons Track, Willomavin be deferred to enable further negotiation between the permit applicant, objectors and Council officers.

CARRIED

The vote resulted in as follows:

For:

CR. D. ATKINSON
CR. B. CHISHOLM
CR. B. CORNISH
CR. R. ELDRIDGE
CR. F. STEVENS

Against:

CR. A. GOBLE
CR. B. HUMM
CR. D. LOWE
CR. R. SANDERSON

Abstained:

7.46pm Cr Humm returned to the Council Chamber.

MITCHELL SHIRE COUNCIL

Council Meeting Attachment

DEVELOPMENT AND INFRASTRUCTURE

21 AUGUST 2017

9.3

**PLANNING PERMIT APPLICATION
P306247/10.02 FOR USE OF THE LAND AND
RECREATION (SIMULATED FIELD AND GAME
SHOTGUN TARGET RANGE) AT 345
TANTARABOO ROAD, WILLOWMAVIN**

Attachment No: 2

**Ordinary Council Meeting Agenda 20 February
2017**

7.6 PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 22 TOMLINSONS TRACK, WILLOWMAVIN

Author: Mathew Mertuszka - Statutory Planner

File No: P306247/10.02

Attachments: Nil

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ORDINARY COUNCIL MEETING AGENDA

20 FEBRUARY 2017

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 22 TOMLINSONS TRACK, WILLOWMAVIN (CONT.)

SITE MAP



SUMMARY

This report recommends that Council issue a Notice of Decision to Amend Planning Permit P306247/10 to allow for an event that is scheduled to take place on the second Saturday of March each year on an ongoing annual basis between the hours of 9am and 6pm.

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ORDINARY COUNCIL MEETING AGENDA

20 FEBRUARY 2017

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 22 TOMLINSONS TRACK, WILLOWMAVIN (CONT.)

Objector	Grounds of objection
Resident 1	<ul style="list-style-type: none"> Objecting to the very existence of the club, increase in hours would add to the ambient noise and cause distress to local residents and animals
Residents (8 signatures on a joint submission)	<ul style="list-style-type: none"> Concerns (seeking clarification) whether the additional hours would constitute an additional shoot day under the permit. That the proposal would result in consecutive shoot days and intensify the use to an unacceptable standard.

SITE AND SURROUNDSSubject Site Description

The subject land is an existing Field and Game Club shooting range located on land to the west of Tomlinson Track and to the south of Tantaraboo Road in Willowmavin, approximately 13km to the west of Kilmore.

The site consists of five crown allotments covering a total area of approximately 78.86ha. The entrance to the site is located approximately 230m north of the intersection of Tantaraboo Road and Tomlinson Track. The internal access way is approximately 720m in length and crosses CA 4 and CA 8 to the site of the clubhouse and associated shedding which are located on CA 8 and CA 3.

Ten existing shooting stands and shooting stand outfall areas are sited on various locations across CA 3, CA 6, CA 8 and CA 14. The firing stands are located along both sides of a waterway with the stands designed to shoot away from the creek line and lead shot to be contained in the shooting stand outfall areas. A track from the clubhouse runs along either side of the waterway to provide access to the shooting stands and includes rough creek crossings.

The land is part of a larger rural land holding totalling approximately 246ha which includes a dwelling located approximately 715m to the east of the clubrooms. There are hills to the north and northwest of the clubhouse which are shown on Council's mapping to rise to approximately 450m on CA 6 and CA 8. The unnamed waterway between the shooting stands runs between the two hills down to a level of approximately 400m and the site of the clubhouse. The waterway has a good cover of native vegetation along the adjacent riparian area and there are vegetation patches and scattered native paddock trees across the allotments.

Planning Background

Council resolved planning permit application P306247/10 in April 2012 by issuing a planning permit subject to conditions. Council officers recommended approval which