

DEVELOPMENT PLAN

KINGLAKE WEST

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APPENDICES:

1. KINGLAKE WEST DEVELOPMENT PLAN

1. THE LAND:

This development plan applies to land on the eastern side of Whittlesea – Yea Road, north of Whittlesea – Kinglake Road, south of Nichols Road and west of the existing low density residential subdivision in Edenvale Crescent / Amlyn Court.

The land is located approximately 50kms from Melbourne, approximately 11kms west of the Kinglake Village and 13 kms north of the Whittlesea township.

A locality plan indicating the land is attached as Appendix 1.

2. SITE AND TOWNSHIP CONTEXT:

Under the Murrindindi Planning Scheme, the land is zoned Rural Living. The Development Plan Overlay 6 (Rural Living Zone, Kinglake West and Pheasant Creek) also applies to the whole of the land zoned Rural Living. The land was zoned Rural Living, with the Development Plan Overlay 6 applied to it, through Amendment C12, gazetted in July 2007. Amendment C12 implemented the Kinglake West and Pheasant Creek sections of the *Kinglake Flowerdale Integrated Strategy Plan*, March 2003. This Plan recognised the unique potential for low-density residential lifestyle opportunities, also the need to protect the environmental significance and special character of this area.

The surrounding area is developed with a variety of low-density residential sized allotments, nestled between the various parts of the Kinglake National Park. It is in the midst of an agricultural area, which includes specialist nurseries and berry farms. The site is ideally suited to provide a rural living lifestyle in harmony with the environment.

3. PROPOSED USE AND DEVELOPMENT OF LAND:

This development plan defines an area and the form and conditions for the future use and development of the land for rural living purposes.

Any application for use, buildings and works must:

- Be generally in accordance with this development plan.
- Consider the objectives and performance measures outlined in this development plan.

The Kinglake West Development Plan is attached as Appendix 2.

4. DEVELOPMENT PLAN OBJECTIVES AND PERFORMANCE MEASURES:

Objectives:

Objectives of this development plan are:

- Provide for a high quality rural residential development that respects and responds to the existing physical and environmental conditions and constraints.
- Provide rural living opportunities as an extension to the existing Kinglake West settlement.
- Ensure that future subdivision achieves an absolute minimum of two (2) hectares for each lot..
- Create a rural residential environment that creates the opportunity for a variety of lifestyle options, while protecting the existing special character of the neighbourhood.

Performance measures:

The following performance measures are outlined to measure the standards that have been considered and met for any proposed use and development of the land for rural living purposes. These performance measures address the schedule requirements ('Requirement before a permit is granted' and 'Conditions and requirements for permits') in the current Development Plan Overlay Schedule 6 (Rural Living Zone, Kinglake West and Pheasant Creek) that applies to the land.

Site and building design:

- A minimum subdivision size of two (2) hectares. This (2) hectare minimum size is the absolute minimum lot size to apply in this development plan area. The averaging provision in the Rural Living Zone (allowing a permit to be granted for a smaller lot if the subdivision is the re-subdivision of existing lots and the number of lots is not increased, or the number of lots is no more than the number the land could be subdivided into in accordance with a schedule to the zone) does not apply to this development plan area.
- Creation of building envelopes or building exclusion zones through any future planning permit.
- Design subdivisions to achieve excellent solar access for lots and buildings.
- Encourage dwelling materials of non-reflective materials in muted tones and the use of rainwater tanks for all future dwellings.
- Construct only 'fauna friendly' fencing.

Services, roads and linkages:

- Provision of a range of urban services, including sealed roads, drainage, electricity and telecommunications to meet Murrindindi Shire Council and service authority standards. Provide a safe road network to serve development, incorporating Whittlesea – Yea Road, Whittlesea – Kinglake Road, existing local roads and proposed local roads. Satisfactory onsite effluent disposal to comply with the *Code of Practice Onsite Wastewater Management, March 2003, Publication number 891.3 February 2013* (as amended), including the use of a Land Capability Assessment, an Onsite Domestic Wastewater Management Plan, water reuse and ongoing management and monitoring of the system.

- Prepare a Stormwater Management Plan using water sensitive urban design (WSUD) principles prior to the granting of any planning permit for subdivision.
- Provide temporary road access from Whittlesea – Yea Road to service the central development plan area until such time as access is available from the adjoining property or the future north – south road that will be constructed to service the overall development. Consideration will be given to a Section 173 Agreement at a future planning permit application stage to ensure removal of the temporary access as soon as the alternative internal access becomes available.
- Prevent additional individual access points from Whittlesea – Yea Road, while recognising the continuing use of existing driveways.
- Provide an internal north – south road being developed as part of this plan, catering for shared use for vehicles, pedestrians, cyclists and equestrians.
- Provide pedestrian linkages between existing carriageway reserves within the adjoining Edenvale Crescent Estate to the east and the internal north – south road being developed as part of this plan, catering for shared use for pedestrians, cyclists and equestrians.
- Provide for the potential extension of Amlyn Court to the east and the internal north – south road being developed as part of this plan, catering for shared use for vehicles, pedestrians, cyclists and equestrians.
- Provide a pedestrian walkway / bicycle path adjacent to the whole of the land on the Whittlesea – Yea Road with native vegetation being fully assessed and protected.
- Indicate the need to consider additional recreation contributions (land, monetary contribution or a mixture of both) through future planning permits for subdivision.

Environment:

- Assessment of general land capability, natural landscape features and views, environmental resources, protection of remnant native vegetation, additional landscaping and land constraints for any subdivision or development of the land, in accordance with a site analysis plan submitted at planning permit stage.
- Protection of drainage lines in the northwest and south, with the drainage line adjacent to Amlyn Court to the east fully incorporated into a reserve across the whole of the land to Whittlesea – Yea Road.
- Protection of water quality in waterways, including provision of a minimum building setback of 30 metres from any waterway and establishment of native vegetation riparian corridors along waterways on both private and public land.
- Retain and enhance biodiversity and existing native vegetation to implement the objectives and ‘net gain’ principles of the *Victoria Native Vegetation Management – A Framework for Action*.
- Protect remnant native vegetation through future proposals for subdivision and development.
- Provide landscaping within open space, buffer zones adjacent to drainage lanes and within the internal road reserves, detail being determined after the completion of the individual land management plans through individual planning permit applications.
- Any revegetation planting and any riparian planting in waterways and drainage lines be only with local indigenous species.

- Address measures to protect native vegetation as much as possible in future planning permit proposals and approvals for subdivision, roads, services and dwellings.

5. LIFE OF THE DEVELOPMENT PLAN AND PLAN REVIEW:

This plan will expire ten (10) years after the date that it is approved by Murrindindi Shire Council.

After the expiry of this development plan, the responsible authority may review and approve a new development plan.

An approved development plan may be reviewed. Murrindindi Shire Council intends that notification of any proposed amendment to this approved development plan will be given to potentially affected landowners, relevant service and government agencies and the general community.

In considering whether to amend this existing development plan, the responsible authority should consider the following:

- Whether the amendment meets the objectives and performance measures of the original development plan.
- Current Murrindindi Planning Scheme strategies, policies and controls for the use and development of the land.
- Relevant council directions, strategies and guidelines.
- The need for co-ordinated and efficient use and development of land.
- The need to provide development and lot supply for the purpose of the applicable zone.
- Retention of the land for future use and development for low-density residential purposes.

DEVELOPMENT PLAN APPROVED BY THE MURRINDINDI SHIRE COUNCIL ON

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SIGNED:
(MARGARET ABBEY, CHIEF EXECUTIVE OFFICER)

DATE:

[REDACTED]
Coordinator Statutory Planning
Murrindindi Shire Council
Perkins Street,
Alexandra
Victoria 3704

12th December 2013

Dear [REDACTED]

Re – Planning permit for change of use and subdivision

Further to our meetings and your discussion with council I attach an application for a change of use from an office to a house and a subdivision of lot 6. I enclose the following attachments to support the application:

1. Copy of the title is attached dated 28th November 2013.
2. Plan of the office to be changed back to a dwelling
3. Plan of the buildings and their location
4. Plan of the subdivision proposal
5. Plan of the sewerage supported by a plumbers report

Change of use application:

We are applying for a change of use from an office to a dwelling. This building was on the property when we purchased the property in 1960. It was used as a dwelling until recently when we have been using it as an office. It has 4 bedrooms, a kitchen, two toilets, dining room and a new lounge and entertainment room at the rear. This extension was approved by the shire on 17th May 2010, the same site plan of which has used for this application.

The dwelling is supplied by water from Home Creek and the 5 mega litre dam for its domestic water and firefighting needs. A new plastic tank is also attached to the house for drinking water.

The sewerage location, design and capacity is detailed on the attachment and plumbers report.

Electricity is connected directly from the pole on Maroondah Link Highway at the front of the dwelling. Three phase power is also available at this pole.

The location of the dwelling is also conducive to efficient use of the land for agricultural purposes as it is located in the south east corner and away from the major productive area.

Office facilities are intended to be re-located to the warehouse on the proposed southern subdivision where two existing offices are currently located but underutilised.

Subdivision of lot 6

Valley Seeds rents the land from Home Creek Pty Ltd and Donald Coles owns both companies. Valley Seeds and the land that it rents are currently for sale in part or as a whole. The company has three prospective buyers who are prepared to leave the company operating at its current location, but do not want a large piece of land with the business. In the case of two of the prospective buyers, they have other facilities interstate but have expressed a wish to leave the business operating at the current location if the land that it operates on can be reduced in size and therefore value.

The company has two distinct divisions including pasture seed breeding and packing lawn seed for the consumer market. We pack four brands including three for Yates which are sold through Bunnings stores and other hardwares and supermarkets throughout Australia. **Valley Seeds supplies approximately 70% of all home garden lawn seed that is sold in Australia.** Seed supplies come, primarily from the western district of Victoria, are processed and packed at Yarck and transported to Sydney for distribution throughout Australia along with other products for the same retail outlets.

Valley Seeds currently employs 12 full time plus 8 casual staff. Local residents who are employed by the company include 8 full time and 7 casual employees. If the company's operations were moved most of the 15 local employees would lose their jobs. This application for subdivision is designed to maintain employment for this district as part of the sale and development of the business. (See attached Descriptive Memorandum)

Future use and potential of the two separate titles are as follows:

The southern subdivision which includes the warehouse and trial plots will continue to be used for the current operations. It is of sufficient area (Approx. 6ha) to carry out all current activities with room to expand the area devoted to trials and plant breeding.

The northern subdivision of approximately 12 hectares has significant potential for agricultural development. This portion includes a 50 mega litre capacity licenced bore and 5 mega litre storage dam which has the capacity to support intensive row crops such as cherries, nectarines, grape vines and many other similar intensive crops. The soil is a clay loam texture. This area has in the past been used as a post entry quarantine station for cereal species imported from USA, Spain and Sweden. Approximately $\frac{2}{3}$ of the land is level which is also an important requirement for intensive crop production. (See attached aerial photograph showing the quarantine station planted area and level land typography)

The property is also located on the major access highway from the eastern suburbs of Melbourne and thus has access to southern and northern markets. Its location and access to permanent irrigation also lends itself to vegetable production as it is only 1½ hrs from the new Melbourne markets on the Hume Freeway. The change of use to a house would enable on site accommodation which is an essential part of intensive agricultural operations.

We look forward to your positive approval for this application and should you require any additional information please do not hesitate to contact me.

Yours faithfully,

A large, dark, irregular redacted area covering the signature of the sender.

Managing Director – Valley Seeds Pty Ltd and Home Creek Pty Ltd.

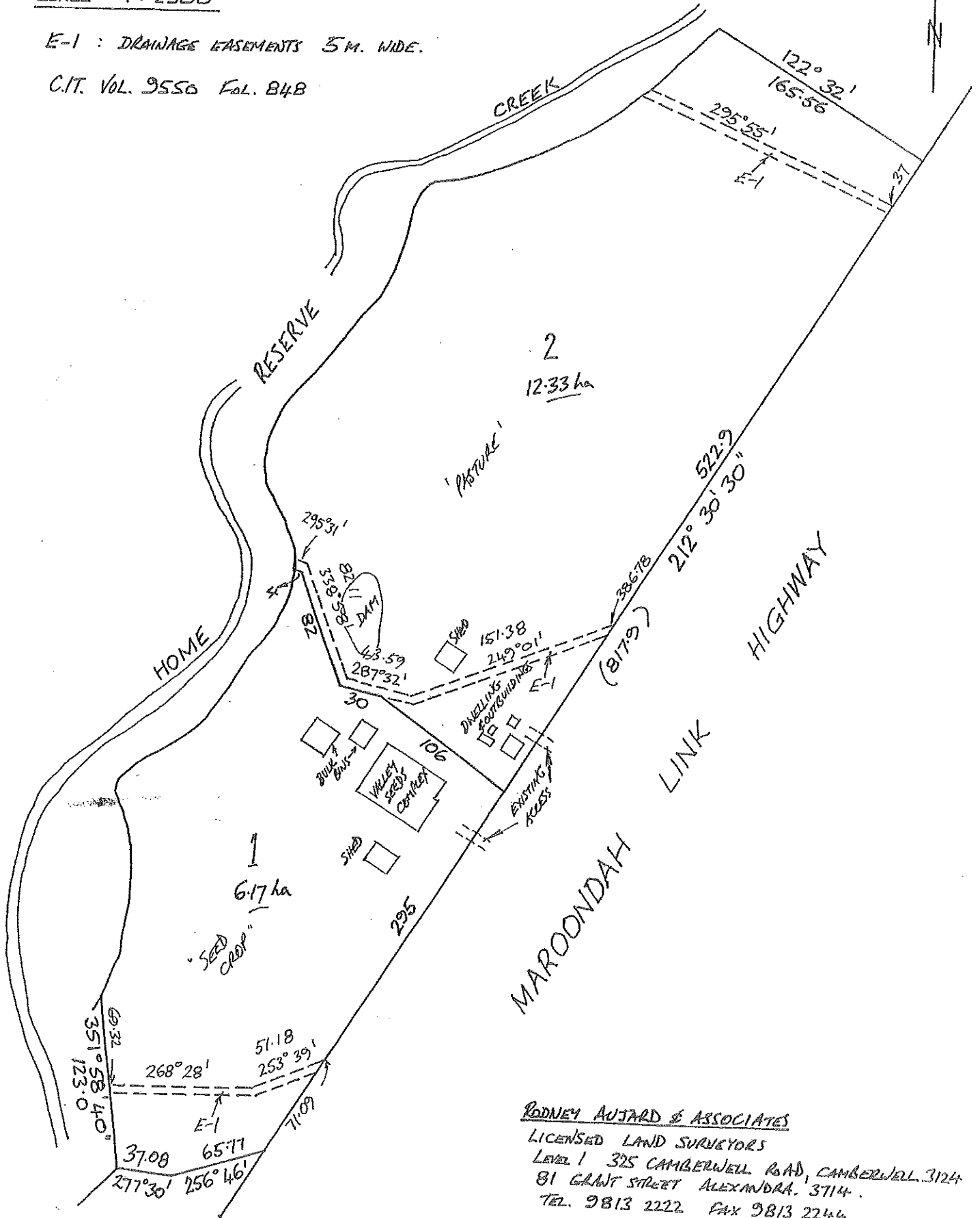
27th NOVEMBER 2013

PROPOSED SUBDIVISION OF
LOT 6 ON P.S. 143565
295 MAROONDAH LINK HIGHWAY
ALEXANDRA

SCALE 1:2500

E-1 : DRAINAGE EASEMENTS 5M. WIDE.

C.I.T. VOL. 9550 Fol. B4B



RODNEY AJJARD & ASSOCIATES
LICENSED LAND SURVEYORS
LEVEL 1 325 CAMBERWELL ROAD, CAMBERWELL 3124
81 GRANT STREET ALEXANDRA. 3714.
TEL. 9813 2222 FAX 9813 2244



Murrindindi Shire Council

Instrument of Delegation

to

Section 86 Committees of Management

Instrument of Delegation

In exercise of the power conferred by section 86(3) of the *Local Government Act* 1989, the Murrindindi Shire Council delegates to ***Glenburn Community Centre (Special) Committee of Management*** the powers, duties and functions set out in the Schedule and declares that:

1. The Committee shall consist of the following **seven (7)** voting members:

Three (3) Community Representatives

One (1) Book Nook User Group Representative

One (1) Book Club User Group Representative

One (1) CFA User Group Representative

One (1) Craft User Group Representative

One (1) Murrindindi Shire Council Councillor or Representative (non-voting)

2. Committee meeting quorum shall be half plus one of the voting membership
3. Committee members who are not Councillors are exempt from submitting a register of interest return pursuant to Section 81(2A) of the Local Government Act 1989
4. This Instrument of Delegation is authorised by a resolution of Council passed on **27 November 2013** and

4.1 the delegation:

- 4.1.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
- 4.1.2 remains in force until varied or revoked;
- 4.1.3 is subject to any conditions and limitations set out in points 1 to 5 and in the Schedule; and
- 4.1.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

4.2 the delegate must not determine an issue, take an action or do an act or thing:

- 4.2.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

4.2.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

- (a) policy; or
- (b) strategic plan adopted by Council; or

4.2.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

4.2.4 if the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

DATED this day of 2014

THE COMMON SEAL OF THE MURRINDINDI)
SHIRE COUNCIL was hereunto affixed in the)
presence of:)

Chief Executive Officer

Councillor

SCHEDULE

Powers Delegated under the *Local Government Act 1989*

Column 1	Column 2	Column 3	Column 4	Column 5
Provision	Delegation	Delegate	Date	Conditions and Limitations
Part 1A Section 3c (2a - c)	Duty to promote and undertake research in all matters associated with the planning, marketing and management of the activities of the Glenburn Community Centre to promote use.	Glenburn Community Centre Committee of Management	27 November 2013	Subject to approval of Council and in accordance with controls specified in the Governance Manual.
Part 1A Section 3c (2a - c)	Duty to ensure resources are used efficiently and effectively and services are provided to best meet the needs of the local community;	Glenburn Community Centre Committee of Management	27 November 2013	
Part 1A Section 3c (2e)	To ensure that the facilities and the activities of the Glenburn Community Centre are accessible and equitable	Glenburn Community Centre Committee of Management	27 November 2013	
Section 140(1)(a)	Duty to ensure financial records of the transactions and affairs of the Committee of Management are kept in accordance with the regulation set by the <i>Local Government Act 1989</i> and any other relevant legislation	Glenburn Community Centre Committee of Management	27 November 2013	

Column 1	Column 2	Column 3	Column 4	Column 5
Provision	Delegation	Delegate	Date	Conditions and Limitations
Section 140(1)(b)	Duty to ensure that the financial records will sufficiently explain the financial operations and financial position of the Committee of Management	Glenburn Community Centre Committee of Management	27 November 2013	
Section 140(2)(a)	Duty to ensure that moneys due are properly collected.	Glenburn Community Centre Committee of Management	27 November 2013	
Section 140(2)(b)	Duty to make security arrangements for money collected.	Glenburn Community Centre Committee of Management	27 November 2013	
Section 140(2)(c)	Duty to authorise expenditure correctly and expend money correctly.	Glenburn Community Centre Committee of Management	27 November 2013	
Section 140(2)(d)	Duty to protect and control assets in the Glenburn Community Centre	Glenburn Community Centre Committee of Management	27 November 2013	
Section 140(2)(e)	Duty to ensure that all liabilities incurred by the Committee are properly authorised.	Glenburn Community Centre Committee of Management	27 November 2013	Limit \$5,000.00 per transaction
Section 140(2)(f)	Duty to operate efficiently and economically and to avoid waste and extravagance.	Glenburn Community Centre Committee of Management	27 November 2013	

Column 1	Column 2	Column 3	Column 4	Column 5
Provision	Delegation	Delegate	Date	Conditions and Limitations
Section 141	Duty to retain and apply on behalf of Council any monies received from hire fees associated with the management of the facility, and apply such monies to the maintenance and operation of the Facility and any other expenses incurred by the Glenburn Community Centre Committee of Management in its management of the Facility.	Glenburn Community Centre Committee of Management	27 November 2013	Limit \$5,000.00 per transaction
Section 131 (1a-c)	Duty to prepare an annual report of operations and an annual financial statement.	Glenburn Community Centre Committee of Management	27 November 2013	Presented as part of the Annual General Meeting process

Powers Delegated by the Murrindindi Shire Council

Delegation	Delegate	Date	Conditions and Limitations
Duty to be responsible for the management and control of the Glenburn Community Centre that shall include the reserve and all buildings and surrounds relevant thereto. The boundaries are shown on the map attached thereto.	Glenburn Community Centre Committee of Management	27 November 2013	

Delegation	Delegate	Date	Conditions and Limitations
Duty to develop, approve, repeal and alter policies, procedures and rules necessary for the proper management of Glenburn Community Centre having regard to the objectives of the Committee and Council policy. Where Regulations are in force in respect of any Reserve being a Crown Land Reserve the Committee shall enforce and comply with such Regulations.	Glenburn Community Centre Committee of Management	27 November 2013	
Duty to be responsible for the routine maintenance and day to day operations of the reserve unless otherwise agreed by Council	Glenburn Community Centre Committee of Management	27 November 2013	
Duty to determine and collect the appropriate fees necessary for the effective management of the Glenburn Community Centre	Glenburn Community Centre Committee of Management	27 November 2013	
Duty to invite, receive and expend fees, donations, grants and endowments for furtherance of its objectives	Glenburn Community Centre Committee of Management	27 November 2013	Limit \$5,000.00 per transaction All grants for building and specified works are to be approved by Council prior to application by the Committee of Management

Delegation	Delegate	Date	Conditions and Limitations
Duty to hold or sponsor functions, stalls and other fundraising means, within the constraints of the budget to enhance the objectives of the Committee, with the written approval of Council.	Glenburn Community Centre Committee of Management	27 November 2013	
Duty to enter into agreements on behalf of the Council with casual hirers of the Glenburn Community Centre in accordance with any conditions of hire	Glenburn Community Centre Committee of Management	27 November 2013	
Duty to ensure awareness and compliance with Council's Local Laws and policies, State and Federal Laws, safety Acts and Regulations and report to Council any breaches. Ensure that all users of the facility also adhere.	Glenburn Community Centre Committee of Management	27 November 2013	
Open and operate a bank account in the name of Glenburn Community Centre Committee of Management to exercise powers and functions delegated by this instrument.	Glenburn Community Centre Committee of Management	27 November 2013	

Powers Excluded by the Murrindindi Shire Council and under the *Local Government Act 1989*

Column 1	Column 2	Column 3	Column 4	Column 5
Provision	Power Excluded	Delegate	Date	Conditions and Limitations
Section 86(4)(c)	Committee of Management cannot borrow money	Glenburn Community Centre Committee of Management	27 November 2013	
Section 86(4)(d)	Committee of Management cannot enter into contracts exceeding \$5,000	Glenburn Community Centre Committee of Management	27 November 2013	Committee of Management can seek Council's permission to enter into a contract higher than \$5,000
Section 86(4)(e)	Committee of Management cannot incur any expenditure exceeding \$5,000 in a single transaction	Glenburn Community Centre Committee of Management	27 November 2013	
	Committee of Management cannot carry out, or permit to be carried out, any act which would or would be likely to render Council's insurance policies invalid	Glenburn Community Centre Committee of Management	27 November 2013	
	Committee of Management cannot make any alterations or additions to the Facility or Reserve without the written approval of Council	Glenburn Community Centre Committee of Management	27 November 2013	Written approval be sought prior to seeking any statutory approvals (e.g. building permit, planning permit)

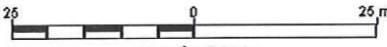
AREA OF DELEGATION

The Murrindindi Shire Council has resolved in accordance with Section 86 of the Local Government Act 1989, to appoint a Special Committee to control and manage the Glenburn Community Centre situated at 3873 Melba Highway Glenburn and contained in Certificates of Title, Volume (2756) Folio (551084).



Glenburn Community Centre

Printed 12/11/2013



Scale 1:797

Disclaimer: Title boundaries are indicative only. Not to be used for fencing or surveying purposes.

