

Submitters Committee Meeting Agenda

Wednesday 10 June 2020 at 6pm

Held online and livestreamed at mrsc.vic.gov.au

Submitters Committee:

Council established the Submitters Committee pursuant to Section 86 of the *Local Government Act 1989* (LGA) on 27 November 2019 for the purposes of hearing from submitters to planning applications and from submitters in accordance with section 223 of the LGA.

Recording of Meetings:

The recording of Council Meetings, or special committee meetings, either visually or by sound, or the taking of photographs in meetings is not permitted without first obtaining the consent of Council or the Chairperson.

Attachments:

All attachments are available for viewing or downloading from Council's website, mrsc.vic.gov.au

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO.
	Acknowledgement of Country	1
1.	Recording and Livestreaming of this Committee Meeting	1
2.	Present	1
3.	Apologies	1
4.	Declaration of Conflicts of Interest	2
5.	Adoption of Minutes	2
6.	Hearing of submitters	2
	The Submitters Committee is a Special Committee of Council, established to hear from:	
	<ul style="list-style-type: none">• people in support of written submissions lodged in accordance with s223 of the Local Government Act 1989 (Vic) (LGA);• persons who have made an objection or submission to a planning application in accordance with the Planning and Environment Act 1987 (Vic) (P&E Act); and• planning permit applicants and/or land owners in relation to a planning permit application submitted in accordance with the P&E Act.	
7.	Hearing of submitters in respect of application for a planning permit PLN/2019/274 – 30 Brooke Street, Woodend	3
8.	Hearing of submitters in respect of application for a planning permit PLN/2019/580 – 142 and 144 Barry Street, Romsey	9

ACKNOWLEDGEMENT OF COUNTRY

To start the official proceedings I would like to acknowledge that Macedon Ranges Shire Council is on Dja Dja Wurrung, Taungurung and Wurundjeri Country whose ancestors and their descendants are the traditional owners of this Country. We acknowledge that they have been custodians for many centuries and continue to perform age old ceremonies of celebration, initiation and renewal. We acknowledge their living culture and their unique role in the life of this region.

1. RECORDING AND LIVE STREAMING OF THIS COMMITTEE MEETING

Ladies and gentlemen

Please note that this meeting is being recorded and streamed live on the internet in accordance with Council's *'Live Streaming and Publishing Recording of Meetings'* Protocol, which can be viewed on Council's website.

The recording will be bookmarked, archived and made available on Council's website 48 hours after the meeting.

This meeting is being held online and Councillors are attending via electronic means.

The meeting will be conducted in accordance with Council's existing Meeting Procedure Local Law 11, noting that as indicated in some parts of the agenda, procedures have been slightly modified to ensure the meeting remains compliant but can run effectively in the online environment.

As this meeting is being held online there will be no one present in the public gallery.

I also remind everyone that Local Government decision making, unlike State and Federal Government, does not afford the benefit of parliamentary privilege and hence no protection is afforded to Councillors and Council officers for comments made during meetings which are subsequently challenged in a court of law and determined to be slanderous.

Thank you

2. PRESENT

3. APOLOGIES

4. DECLARATION OF CONFLICT OF INTERESTS

Online meeting: *The Chairperson will call on each committee member by name to declare whether or not they hold a conflict of interest in relation to any agenda items.*

Councillors' attention is drawn to Division 1A Sections 76-81 of the *Local Government Act 1989* regarding interests. Councillors are reminded that;

1. Disclosures of Conflicts of Interest must be declared immediately before the consideration of the item (refer Section 79 (2) (a) (i)), and
2. They should classify the type of interest that has given rise to the conflict of interest, and describe the nature of the interest. (refer Section 79 (2) (b) (c)).

5. ADOPTION OF MINUTES

Any Councillor whether in attendance or not at the subject meeting can move and second the adoption of the minutes, however accepted practice is that Councillors who were in attendance move and second these motions.

Submitters Committee Meeting: Wednesday 13 May 2020

Recommendation:

That the minutes of the Submitters Committee of the Macedon Ranges Shire Council held on Wednesday 13 May 2020 as circulated be confirmed.

6. HEARING OF SUBMITTERS

In accordance with Council's Meeting Procedure Local Law 11 a special committee may suspend standing orders for the purposes of allowing a member of the public to address the meeting.

In accordance with the Submitters Committee Guidelines, each speaker will be allocated a maximum of three (3) minutes to speak to their submission.

In the case of joint submissions, a maximum of three (3) minutes will be allocated per submission, up to a maximum of nine (9) minutes, and one person should be nominated to speak on behalf of the submitters.

Online meeting: *Submitters will participate in the meeting and present their verbal submission in accordance with the method they have chosen prior to commencement of the meeting, that is:*

- i) via video and audio participation in the online meeting; **or***
- ii) via audio-only participation in the online meeting; **or***
- iii) via the reading by a Council officer on the submitter's behalf of an additional 400-word submission prepared and lodged by the submitter.*

7.	HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2019/274 - USE OF THE LAND FOR A RETAIL PREMISES (MARKET, RESTAURANT AND BAR), FUNCTION CENTRE AND OFFICE, SALE AND CONSUMPTION OF LIQUOR, REMOVAL OF VEGETATION (STREET TREES), REDUCTION OF CAR PARKING REQUIREMENT
	30 BROOKE STREET, WOODEND
Officer	Alexia Paterson, Senior Statutory Planner
Attachments	Objections and submissions in support of application

Purpose and Overview

To hear from submitters in relation to Planning Application PLN/2019/274 regarding land at No. 30 Brooke Street, Woodend.

Recommendations

- 1. That the Submitters Committee note the objections and submissions in support received in relation to a Planning Application PLN/2019/274**
- 2. That recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the Ordinary Council Meeting on 22 July 2020.**

Background

The application proposes is to use the land at No. 30 Brooke Street, Woodend for a retail premises (market, restaurant and bar), function centre and office, in association with the sale and consumption of liquor, the removal of vegetation (street trees) and a reduction in the car parking requirement.

The application has been advertised and the advertising material was made public at this time.

Twenty (20) objections to the application have been received, together with six (6) submissions in support of the application.

Summary of Proposal

The application proposes:

- The re-purpose an existing building to be used as a market, restaurant, bar, function room and offices. All uses have varied hours of operation and not all uses are proposed to operate at the same time.
- Sale and consumption of liquor

- Full dispensation of car parking requirement
- Removal of street trees along building's frontage

Planning Permit Trigger/s

A planning permit is required:

- To use the land for Section 2 uses in the Industrial Zone Schedule 3
- For a liquor licence
- To waive car parking requirements
- To remove vegetation

Summary of Submissions

Six (6) supporters were received to this application. They are summarised as follows:

Submission Number	Objection/concern regarding application	Officer comment
1	<ul style="list-style-type: none">• Will benefit Woodend and the wider Macedon Ranges showcasing local art, craft and produce.• Facilitate tourism and economic growth in what is currently an underutilised Industrial area within close proximity to the centre of town.	Noted
2	<ul style="list-style-type: none">• Will benefit my business by raising public awareness.• To retain the existing building will help preserve the industrial heritage of Woodend; this is a desirable outcome in an urban environment.• Proposal supports Woodend as a tourism township• The location would not impact on the established businesses in so far as "poach" business from the Woodend Township.• Increase employment opportunities• Sufficient parking available.• Function and market operating hours do not clash with existing businesses operating times, reducing accumulative car parking demand.• Tasmanian Blue Gums are an unsuitable tree to use in street planting and should be removed.	Noted
3	<ul style="list-style-type: none">• Considers that an increase in people to the site would suit businesses in the immediate area.	Noted

4	<ul style="list-style-type: none"> • The uses will benefit tourism and economic development, and aligns with relevant objectives and strategies of the Industrial 3 Zone, Local Planning Policy in the Macedon Ranges Planning Scheme and a number of adopted Council Strategies • Aligns with Local Policy, the Woodend Structure Plan and background/incorporated documents which seek to leverage off tourism trade and provide local employment opportunities. • No detrimental impact on the surrounding industrial land. • Acoustic Measurements ensure uses align with EPA. 	Noted
5	<ul style="list-style-type: none"> • Increase employment opportunities to the area and invigorate a space that is run down. • The application material provides justification for the use and development. 	Noted
6	<ul style="list-style-type: none"> • Respond positively to the Zone and any overlays, Local Policy, State Policy. • Responds appropriately and proactively to other Council adopted policies such as the Woodend Structure Plan, Industrial Design Guidelines, Tourism Plans and Economic Development Strategies etc. • Fantastic use of an underutilised Industrial zone, and the repurposing of the existing factory will provide uplift to the surrounding industrial land in line with policy provision. 	Noted

Twenty (20) objections were received to this application. They are summarised as follows:

Submission Number	Objection/concern regarding application	Officer comment
7	<ul style="list-style-type: none"> • Insufficient car parking availability • Increase traffic safety risks • Amenity impacts as a result of the proposed late night trading • Draws people away from the town centre • Deteriorate road infrastructure 	Noted
8	<ul style="list-style-type: none"> • Insufficient car parking availability • Amenity impact on increase in traffic • Road intersection impacts • Deteriorate road infrastructure • Amenity impacts, including from late trading hours 	Noted

9	<ul style="list-style-type: none"> • Amenity impacts to increase in traffic along Mount Macedon • Accumulative traffic impacts giving childcare centre, aged care centre and school within the surrounding area • Increase traffic safety risks • Deteriorate road infrastructure • The potential for negative behaviour to occur in the area as a consequence of alcohol consumption on site 	Noted
10	<ul style="list-style-type: none"> • Insufficient car parking availability • No consideration to delivering of goods 	Noted
11	<ul style="list-style-type: none"> • Insufficient car parking availability • Deteriorate road infrastructure • Does not consider Ligar Street to be an 'access road' • Support acoustics measures • Concern about amenity impacts as a result of proposed late trading hours. 	Noted
12	<ul style="list-style-type: none"> • Insufficient car parking availability • Accumulative traffic impacts giving childcare centre, aged care centre and school within the surrounding area • High speed along Brooke Street • Negative behaviour from alcohol consumption • Noise pollution • Night club (noted prohibited use) • Should have been a 'survey' not advertising timeframe 	Noted
13	<ul style="list-style-type: none"> • Insufficient car parking availability • Impacts to surrounding streets in car parking • Accumulative traffic impacts with the existing aged care facilities traffic. • Scale inappropriate • Brooke Street already a busy road 	Noted
14	<ul style="list-style-type: none"> • Insufficient car parking availability • Limited formalised car parking 	Noted
15	<ul style="list-style-type: none"> • Insufficient car parking availability • Inappropriate use for Industrial 3 Zone • Not aligned with Planning and local policies • Amenity impacts • Concern regarding accuracy of information submitted with the planning application 	Noted
16	<ul style="list-style-type: none"> • Advertising sign was not easily visible • Concerned that some planning applications are required to meet the car parking requirement set down in the Planning 	Noted

	<p>Scheme, whereas the current planning application has not done this.</p> <ul style="list-style-type: none"> • Amenity impacts to surrounding streets for car parking • Amenity impacts to properties within surrounding streets • Accumulative impact of noise pollution and amenity impacts, in particular to the childcare centre and age care • Increase traffic risk for children using bus stop and surrounding streets to walk and cycle • Dust pollution from vehicle using unsealed roads • No removal of trees within surrounding streets • Potential for intoxicated people on the street during the afternoon pick-up for childcare • Violence, littering and possible vandalism • Concerns that the proposal may segregate the township and cause there to be empty shops in the main commercial area of Woodend. 	
17	<ul style="list-style-type: none"> • Amenity impacts to street car parking; suggests that car parking be provided on site. • Precedent 	Noted
18	<ul style="list-style-type: none"> • Insufficient car parking availability • Inappropriate uses for Industrial Zone 3 • Does not align with Woodend Structure Plan 	Noted
19	<ul style="list-style-type: none"> • Advertising signage placement not visible • Insufficient car parking availability • Negative behaviour from alcohol consumption • Alcohol consumed too close to a child care centre • Removal of street trees along Brooke Street 	Noted
20	<ul style="list-style-type: none"> • Insufficient car parking availability • Deteriorate road infrastructure • Old Coles site is a better location • Concerned at having to live near a bar • Create scattered commercial areas 	Noted
21	<ul style="list-style-type: none"> • No 'industrial' area should be within Woodend town. Industrial Zone 3 to the Woodend North away from residential areas. • Inconsistent with existing uses and proposes residential development • Seeking clarification as what type of 'market'? 	Noted

	<ul style="list-style-type: none"> • Restaurant too large • Developer wants to maximise profits • Removal of trees without replacement • Amenity impact to a 'quiet neighbourhood' 	
22	<ul style="list-style-type: none"> • Noise pollution • Compared the development to new Coles development in terms of parking • Insufficient car parking availability • Public behaviour. Will park anywhere and won't care on impact • Deteriorate road infrastructure 	Noted
23	<ul style="list-style-type: none"> • Insufficient car parking availability • Deteriorate road infrastructure 	Noted
24	<ul style="list-style-type: none"> • Insufficient car parking availability • Deteriorate road infrastructure 	Noted
25	<ul style="list-style-type: none"> • Removal of trees. These trees presently obscure the view of the unattractive existing building. Enforce an environmental plan for contributing to greening • Insufficient car parking availability • Located in the Town centre no Industrial Zone • Traffic safety for Aged Care residents 	Noted
26	<ul style="list-style-type: none"> • Insufficient car parking availability • Deteriorate road infrastructure 	Noted

Officer Declaration of Conflict of Interest

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

8. HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2019/580 - RE-SUBDIVISION OF TWO (2) LOTS INTO FIFTEEN (15) LOTS 142 and 144 BARRY STREET ROMSEY

Officer Awais Sadiq, Coordinator Statutory Planning

Attachments Submissions received

Purpose and Overview

To hear from submitters in relation to Planning Application PLN/2019/580 regarding subdivision of the land at 142 and 144 Barry Street Romsey.

Recommendations

- 1. That the Submitters Committee note the submissions received in relation to Application for a Planning Permit Application PLN/2019/580 – Re-subdivision of two (2) lots into fifteen (15) lots - 142 and 144 Barry Street Romsey, and the verbal presentations in support of those submissions.**
- 2. That recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the Ordinary Council Meeting on 24 June 2020.**

Background

The application proposes the subdivision of the land at 142 and 144 Barry Street, Romsey into fifteen lots.

The application has been advertised and the advertising material was made public at this time. Six objections have been received.

Summary of Proposal

It is proposed to re-subdivide two lots into fifteen lots. Lots generally range in size from 762m² to 1504 m² with an average lot size of 928m², with majority of the lots (13 lots out of 15) having an area less than 1000 m². Lot 13 will have an area of 1504m² and will be a battle-axe lot having direct access from Barry Street. All the remainder fourteen lots will have access via an internal new road with a court bowl at the end.

Planning Permit Trigger/s

A planning permit is required:

- To subdivide land in the General Residential Zone

Summary of Submissions

Six objections were received to this application. They are summarised as follows:

Submission Number	Objection/concern regarding application	Officer comment
1	<ul style="list-style-type: none"> • Over development of the site • Lot sizes are contrary to the neighbourhood character • Removal of majority of vegetation will alter the amenity of whole area • Submitted landscape plan does not show details of proposed trees in relation to height and width • Two entrances for the site seems unnecessary • No details about the width of road, verge and footpath although plans show the total width of 16m • Lots will be small therefore resulting in on street car parking • Issues in relation to manoeuvrability for garbage trucks • Speed and visibility of traffic coming west of Barry Street for vehicles leaving the site 	Noted
2	<ul style="list-style-type: none"> • Risk of having car accidents 	Noted
3	<ul style="list-style-type: none"> • Increase in traffic as a result of too many lots • Amenity impacts in relation to noise and disruption of services during construction • No details for which trees to be removed and no details about fencing 	Noted
4	<ul style="list-style-type: none"> • Location of new road as it will increase risk of accident 	Noted
5	<ul style="list-style-type: none"> • No details about street lighting and building envelopes • Height restrictions for future dwellings and outbuildings including location of outbuildings on the land and their colours and materials • Lot sizes are contrary to the character of the area and contrary to Romsey Residential Character Study, April 2012 	Noted
6	<ul style="list-style-type: none"> • Removal of trees will impact our property and will also dramatically change the landscape. • Devaluation of property as a result of tree removal which will reduce the street appeal. • Skyline will be irreversibly impacted by the removal of trees. • Possibility of rodents and native animals seeking shelter once their habitat is removed. 	Noted

Officer Declaration of Conflict of Interest

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