

Submitters Delegated Committee Meeting Agenda

Wednesday 2 September 2020 at 6.00pm
Held online and livestreamed at mrsc.vic.gov.au

Submitters Delegated Committee:

Council established the Submitters Delegated Committee pursuant to Sections 11 and 63 of the *Local Government Act 2020* (LGA) on 26 August 2020 for the purposes of hearing from planning permit applicants, land owners and objectors; from submitters in accordance with section 223 of the LGA 1989 and from submitters on matters specified in Council's Community Engagement Policy.

Recording of Meetings:

The recording of Council Meetings, or delegated 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

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	<p>The Submitters Committee is a Delegated Committee of Council, established to hear from:</p> <ul style="list-style-type: none">• people in support of written submissions lodged in accordance with s223 of the <i>Local Government Act 1989</i> (Vic) (LGA);• people in support of written submissions lodged in accordance with those matters specified in Council's Community Engagement Policy as matters that will be subject to a Submitters Delegated Committee hearing;• persons who have made an objection or submission to a planning application in accordance with the <i>Planning and Environment Act 1987</i> (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 to Amend a Development Plan DP/2020/1 – Amendment to Fersfield Road Development Plan 110-112 Willowbank Road Gisborne Vic 3437	4

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 Woi Wurrung 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

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 Governance Rules and Submitters Delegated Committee Guidelines, 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 12 August 2020

Recommendation:

That the minutes of the Submitters Committee of the Macedon Ranges Shire Council held on Wednesday 12 August 2020 as circulated be confirmed.

6. HEARING OF SUBMITTERS

In accordance with Council's Governance Rules a delegated committee may suspend standing orders for the purposes of allowing a member of the public to address the meeting.

In accordance with the Submitters Delegated 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 TO AMEND A DEVELOPMENT PLAN DP/2020/1 – AMENDMENT TO FERSFIELD ROAD DEVELOPMENT PLAN 110-112 WILLOWBANK ROAD, GISBORNE VIC 3437

Officers Jack Wiltshire, Strategic Planner
Jake Koumoundouros, Strategic Planner

Attachments Submissions received

Purpose and Overview

To hear from submitters in relation to an application to amend a development plan DP/2020/1 which proposes to amend the Fersfield Road Development Plan (DP) by allowing the development of a residential aged care facility at 110-112 Willowbank Road, Gisborne.

Recommendations

- 1. That the Submitters Committee note the submissions received in relation to an application to amend a development plan DP/2020/1 – Amendment to Fersfield Road Development Plan; and**
- 2. That recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the Ordinary Council Meeting on 16 September 2020.**

Background

The application proposes to amend the Fersfield Road DP to allow for the development of a residential aged care facility at 110-112 Willowbank Road, Gisborne.

The application has been advertised and three (3) submissions received.

Summary of Proposal

It is proposed to amend the Fersfield Road DP to accommodate an aged care facility.

The proposed aged care facility can be broken up into three areas comprising:

- The double storey 'high level care' aged care facility building.
- The single storey 'lower level care' aged care facility units.
- The single storey aged care community centre.

The facility will be laid out so that the double storey high level care component is fronting Willowbank Road, with the units to the rear of this building. The community centre will be located on the corner of Willowbank Road and the future road reserve

running along the east of the site. The high care facility is expected to have 72 high care beds with a further 35 lower level care units.

A small private park will be located between the community centre and aged care units for the benefit of residents. A number of internal private roads will run throughout the site for vehicle access. Pedestrian access will also be provided in a north-south axis through the site and allow pedestrian access from Willowbank Road to the proposed road reserve to the north of the site. The relevant easements for public pedestrian access will be required at the time of any future planning permit.

Development Plan Overlay requirements

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay.

The development plan may consist of plans or other documents and may with the agreement of the responsible authority, be prepared and implemented in stages.

The development plan may be amended to the satisfaction of the responsible authority

Application DP/2020/1 seeks to amend the approved Fersfield Road Development Plan, so that a subsequent planning permit may be granted to allow for development of the site for an aged care facility generally in accordance with an approved Fersfield Road Development Plan, as amended

Summary of Submissions

Three (3) submissions 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">• Does not object to the use of an aged care facility.• Objects to the double storey component of proposal. Considers that a double storey building will impact and interrupt on views of the treed surroundings and Mount Macedon which will impact on the value of their property and their neighbour's properties.	Noted.
2	<ul style="list-style-type: none">• Does not object to the use of an aged care facility.	Noted.

	<ul style="list-style-type: none"> • Objects to a double storey commercial building. Considers that maintaining a single storey built form like the childcare facility and health businesses across the road would be in better keeping with the rural residential surround. A single storey building would be more aligned with the Macedon Ranges Planning Scheme’s strategic objectives. • Objects to the community centre unless further car parking is provided on the site. 	
3	<ul style="list-style-type: none"> • Objects to the double storey building on the eastern side of their property. Concerns of overshadowing due to its height, length and size. Concerns of privacy, visual impact noise and views. • Concern regarding proposed internal road layout and subsequent noise of deliveries, impact on local intersection. • Waste management from the facility including smells, loading/unloading and vermin. • Commercial kitchen noise and smells from exhaust fans. • Object to amendment of original layout of development plan and requirement for them to undertake a court bowl instead of original layout. Concern impact on land value due to undesirability of their land if amendment occurs. • Impact on their future house site by proposal. • Raised some recommendations and changes to the proposal. 	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.