

Submitters Delegated Committee Meeting Agenda

Wednesday 2 December 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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	The Submitters Committee is a Delegated 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 <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.	
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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 2 Sections 126-131 of the *Local Government Act 2020* and Part 5, Rule 48 of Council's Governance Rules regarding conflicts of interest.

Councillors are reminded that conflicts of interest must be disclosed in the manner required by Council's Governance Rules. The Councillor must make a full disclosure of the interest by either advising:

- the Council at the meeting immediately before the matter is considered at the meeting; or
- the CEO in writing before the meeting;

and

- whether the interest is a general conflict of interest or a material conflict of interest; and
- the nature of the interest

(If a Councillor advised the CEO in writing before the meeting, the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting)

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 Delegated Committee Meeting: Wednesday 2 September 2020

Recommendation:

That the minutes of the Submitters Delegated Committee of the Macedon Ranges Shire Council held on Wednesday 2 September 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 FOR EXTENSION OF TIME FOR PLANNING PERMIT PLN/2015/204 - 2-4 DAVY STREET WOODEND
Officer	Christo Crafford, Coordinator Statutory Planning
Attachments	Nil

Purpose and Overview

To hear from the applicant in relation to Planning Application PLN/2015/204 regarding the extension of time for the permit.

Recommendation

- 1. That the Submitters Delegated Committee note the application received in relation to the extension of time application for Planning Permit Application PLN/2015/204 - Construction of fourteen (14) double storey dwellings, construction of associated buildings and work (earthworks, roadworks and fencing), and removal of vegetation including two (2) non-native trees within the Davy Street road reserve, construction of works within the Black Gum Reserve (outlet drains and reserve); and the verbal presentations in support of the submission.**

- 2. That recommendations be prepared, based on all relevant information, including the application received, for consideration and determination at the Ordinary Council Meeting on 16 December 2020.**

Background

Planning Permit PLN/2015/204 allows the development of the land for fourteen (14) double storey dwellings, construction of associated buildings and work (earthworks, roadworks and fencing), and removal of vegetation including two (2) non-native trees within the Davy Street road reserve, construction of works within the Black Gum Reserve (outlet drains and reserve). The permit was issued on 11 January 2017 at the direction of the Victorian Civil and Administrative Tribunal (VCAT).

An application has been received to extend the time allowed under the planning permit to commence and complete the approved development.

This application has not been advertised, as advertising is not required in this instance.

Summary of Proposal

The application proposes to extend the time allowed under Condition 70 of Planning Permit PLN/2015/204 by two years to commence and complete the approved development.

Planning Permit Trigger/s

Under Condition 70 of the planning permit, the Responsible Authority (Council) may extend the time allowed to commence and/or complete the development if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

Summary of Submissions

No submissions were received regarding this application.

Officer Declaration of Conflict of Interest

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

8. HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2019/573 – Edgecombe Road Kyneton

Officer Christo Crafford – Coordinator Statutory Planning

Attachments Submissions received

Purpose and Overview

To hear from submitters in relation to Planning Application PLN/2019/573 regarding the subdivision of the land on Edgecombe Road Kyneton.

Recommendation

- 1. That the Submitters Committee note the submissions received in relation to Application for a Planning Permit Application PLN/2019/573 - Subdivision of four (4) lots into forty two (42) lots and a drainage reserve in four (4) stages, creation of a vehicular access to a Road Zone, Category 1, removal of native vegetation and creation of three (3) easements – At Edgecombe Road, Kyneton; 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 16 December 2020.**

Background

The application proposes the subdivision of four (4) lots into forty two (42) lots and a drainage reserve in four (4) stages, creation of a vehicular access to a Road Zone, Category 1, removal of native vegetation and creation of easements for the land on Edgecombe Road, Kyneton.

The application has been advertised and the advertising material was made public at this time. Fifteen (15) submissions have been received including ten (10) objections and five (5) submissions in support.

Summary of Proposal

It is proposed to subdivide the land in a combined commercial and rural residential subdivision, as follows:

- A commercial development of 25 lots and a common property lot
- The commercial lot sizes range from 1695m² to 6.417ha.
- A rural residential subdivision of 18 lots
- The rural residential lot sizes range from 2.0ha to 3.476ha.
- Creation of three (3) electricity easements and drainage and sewerage infrastructure
- Set land set aside as a drainage reserve
- No buildings and works are proposed as part of this proposal
- The existing dwelling will be retained on the east portion of the land

- All commercial and rural residential lots will front onto roads
- The commercial and rural residential subdivision accord with the zone boundaries
- The residential subdivision will be in four (4) stages and commercial subdivision is proposed to be in three (3) stages
- Two trees and a small patch (0.022ha) are considered lost (although not to be removed) due to infrastructure impacts.

Planning Permit Trigger/s

A planning permit is required to:

- Subdivide land in Commercial 2 Zone (C2Z)
- Subdivide land in Rural Living Zone Schedule 2 (RLZ2)
- Subdivide land in an Environmental Significance Overlay 4 (ESO4)
- Remove and create and easement
- Remove, destroy or lop native vegetation, including dead native vegetation; and
- Subdivide land adjacent to a road in a Road Zone, Category 1

Summary of Submissions

Fifteen (15) submissions have been received to this application. They are summarised as follows:

Submission number	Objection/concern regarding application	Officer comment
1	<ul style="list-style-type: none"> • Private water supply line in Lot 266 • Impact on native wildlife • Natural screening required • Pedestrian safety • Noise and light emission 	Noted
2	<ul style="list-style-type: none"> • Adverse impact on the character of area • Impact on native wildlife • Impact on vegetation • Increased traffic • Light emission • Private water supply • Commercial development details required • Traffic safety 	Noted
3	<ul style="list-style-type: none"> • Boundary fencing • Increase in traffic • Privacy • Impact on native wildlife • Noise and light emission • Private water supply • Pedestrian access 	Noted
4	<ul style="list-style-type: none"> • Growth is necessary in Kyneton • Proposal is in accordance with policy • Provision of facilities not currently available • Will generate jobs 	Noted

5	<ul style="list-style-type: none"> • Adverse impact on the character of area • Increase in traffic 	Noted
6	<ul style="list-style-type: none"> • Proposal is in accordance with policy • No negative impacts are foreseen • Proposal is sympathetic to environment • Proposal will attract more investment • Edgcombe Rd is a declared B-double route • Will reduce our truck movements through Kyneton's main commercial area • Will generate jobs • Low risk and high value opportunity 	Noted
7	<ul style="list-style-type: none"> • Proposal is a catalyst opportunity • Economic benefits • Social and environmental benefits 	Noted
8	<ul style="list-style-type: none"> • Urban over crowding • Impact on services • Impact on amenity 	Noted
9	<ul style="list-style-type: none"> • Adverse impact on the character of area • Impact on native wildlife and environment 	Noted
10	<ul style="list-style-type: none"> • Adverse impact on the character of area • Impact on local businesses • Tourism would be impacted • Current industrial developments are vacant 	Noted
11	<ul style="list-style-type: none"> • Economic benefits • Will generate jobs • Proposal is in accordance with policy • Edgcombe Rd is a declared B-double route • Stormwater run-off on Edgcombe Rd will be improved • Existing wild life cause concerns for motorists • No negative impacts on adjoining properties 	Noted
12	<ul style="list-style-type: none"> • Will generate jobs • Economic benefits • Proposal is in accordance with policy 	Noted
13	<ul style="list-style-type: none"> • Impact on native animals • Loss of farming land • Increased traffic • Impact on services • Adverse impact on the character of area • Increased fire risk • Increased pollution • Unnecessary expansion of industrial/commercial area 	Noted
14	<ul style="list-style-type: none"> • Loss of farming land • Impact on native wildlife and environment • Impact on traffic • Tourism would be impacted • Impact on services • Increased fire risk • Adverse impact on the character of area 	Noted

15	<ul style="list-style-type: none">• Environmental impacts• Impact on wildlife	Noted
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Officer Declaration of Conflict of Interest

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