

Submitters Committee Meeting Agenda

Wednesday 14 April 2021 at 7pm
Held online and livestreamed at mrsc.vic.gov.au

Submitters 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 *Local Government Act 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> (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> (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, 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

<p><i>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.</i></p>
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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 10 March 2021**

Recommendation:

That the minutes of the Submitters Committee of the Macedon Ranges Shire Council held on Wednesday 10 March 2021 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 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/2020/159 – Use and development of the land for a dwelling.

1427 Rochford Road Newham

**Officer Anthony McBride
 Statutory Planning Officer**

Attachments Submissions received

Purpose and Overview

To hear from submitters in relation to Planning Application PLN/2020/159 regarding the use and development of the land for a dwelling at 1427 Rochford Road, Newham.

Recommendation

- 1. That the Submitters Committee note the submissions received in relation to Planning Application PLN/2020/159; 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 26 May 2021.**

Background

The subject site is located on the western side of an unmade portion of Highland Lane approximately 1.4km south of the Newham central township area. The lot currently forms part of 1427 Rochford Road. The site is approximately 210m to the north of the Hanging Rock Reserve with views to and from the summit of Hanging Rock. The rectangular site has a road frontage to the unmade section of Highland Lane for a distance of approximately 108m and a maximum depth of approximately 2.428 hectares.

The site is vacant except for a small shelter located in the central area of the southern boundary. The site is relatively level and is moderately vegetated with a concentration of native canopy trees and shrubs on the northern half of the lot.

The proposal was advertised and received two (2) objections.

Summary of Proposal

It is proposed to construct a single storey, three (3) bedroom dwelling and associated outbuilding on the site. The proposed dwelling is to be oriented to the north and located at a setback of 103m from the eastern boundary, 3.5m from the southern boundary, approximately 90m from the western boundary and approximately 81m from the northern boundary.

The proposed dwelling is to have a total floor area of 218.39m². The proposed dwelling is to be contemporary in design with a skillion roof of maximum height of 4.33m. The

materials for the proposed dwelling include wall cladding with a combination of Cemintel 'Barestone', Colorbond 'Monument' and natural finished spotted gum with roofing of Colorbond 'Windspray'.

A proposed outbuilding is to be located to the east of the dwelling with a setback of approximately 61m from the eastern boundary, 6m from the southern boundary, 140m from the western boundary and 87m from the northern boundary. The proposed outbuilding is to have a total floor area of 98.35m² and is proposed to be clad in Colorbond of 'Monument' colouring. The proposal includes primary wastewater field to the immediate east of the dwelling and a secondary wastewater field to be the immediate north of the dwelling.

Planning Permit Trigger/s

A planning permit is required to/for:

- Construct a building associated with a section 2 use (dwelling) under the Rural Conservation Zone – Schedule 1
- Construct a dwelling not connected to reticulated sewerage under the Rural Conservation Zone – Schedule 1
- Construct a dwelling 5 meters from any other boundary under the Rural Conservation Zone – Schedule 1
- Construct a dwelling within 100 meters from a dwelling not under the same ownership under the Rural Conservation Zone – Schedule 1
- Earthworks which change the rate of flow or the discharge point of water across a property boundary.
- Construct a building or carry out works under the Significant Landscape Overlay Schedule 1 (SLO)
- Buildings and works associated with accommodation use under the Bushfire Management Overlay

Summary of Submissions

Two (2) objections were received to this application. They are summarised as follows:

- Contrary to the purpose of the zone
- Fails to minimise visual intrusion in accordance with the Significant Landscape Overlay.
- Contrary to objective of Statement of Planning Policy.
- Minimal setback to southern boundary.
- Location of wastewater envelope and potential impacts to watercourses and adjacent properties.
- Amenity impacts including noise, lighting and privacy.
- Adverse impacts to Hanging Rock.
- Strategic direction states 'dispersed' dwellings
- Land prone to flooding.

- Concern regarding implementation of Land Management Plan.
- Impacts to outlook from adjacent property.
- Proximity of proposal to power line.
- Concern regarding potential for alternate design.

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.

8.

HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2020/335 – Use and development of the land for Garden Supplies and alteration to access to a Road Zone Category 1 Road

136 Main Road, Lancefield

**Officer Yousef Taibeh
Senior Statutory Planning Officer**

Attachments Submission received

Purpose and Overview

To hear from submitters in relation to Planning Application PLN/2020/335 regarding the use and development of the land at 136 Main Road Lancefield for garden supplies and alteration to access to a Road Zone Category 1.

Recommendation

- 1. That the Submitters Committee note the submissions received in relation to Planning Permit Application PLN/2020/335 – Use and Development of the Land for Garden Supplies and alteration to access to a Road Zone Category 1 Road; and**
- 2. That recommendations be prepared, based on all relevant information, including the application received, for consideration and determination at the Scheduled Council Meeting on 26 May 2021.**

Background

The subject site is located at the north-eastern edge of the Lancefield Township around 400m from the Lancefield central commercial strip. The allotment abutting the site to the north is within the same ownership although on a different title. This lot contains a dwelling and associated outbuildings in addition to a garden supply business, known as Lancefield Garden Supplies, which has been operating for a number of years. In addition to the residence and the Garden Supplies business, the property (including the two titles) is used as a general farming property.

The immediate abutting lot to the south occupied by an accommodation building known as Karinya Home.

The application was advertised and one (1) submission received.

Summary of Proposal

It is proposed to use and development the land for the purpose of garden supplies and alter access to a Road Zone Category 1 Road. The larger site already includes an operating Garden Supplies Business (without planning approval), which is intended to

be relocated to the southern side of the subject site. The selected area for the facility will be fenced with 1.8m high, post and wire fencing. The proposed front fence will be setback approximately 20m from the street frontage allowing for informal car parking. It will include a gate adjacent to the north western corner, in front of the new crossover to Main Road. The facility will be largely an open area with a couple of sheds and a number of concrete bins around the northern and eastern perimeters of the site. These bins (31 in total) will hold the various garden supply materials.

Planning Permit Trigger/s

A planning permit is required to:

- Use of the land for a Garden Supply Business (Landscape Gardening Supplies) in Farming Zone;
- Building and works associated with Landscape Gardening Supplies use (Section 2 Use), in Farming Zone;
- A building within 100m to Road Zone Category 1 in Farming Zone;
- A building within 100m to a dwelling not in the same ownership in Farming Zone;
- Create or alter access to a road in a Road Zone, Category 1.

Summary of Submissions

One objection was received to this application. It is summarised as follows:

- Concern regarding noise generated by trucks and tippers
- Increased traffic on road
- Potential Health impacts from dust (specifically silica dust)
- Potential disruption in the neighbourhood due to noise impacts on the Karinya Home

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.

9.

HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2020/52 - Use and development of a dwelling and associated works

Gradys Lane, Kerrie

**Officer Jackie Robson
Senior Statutory Planning Officer**

Attachments Submissions received

Purpose and Overview

To hear from submitters in relation to Planning Application PLN/2020/52 regarding the use and development of a dwelling and associated works (Amended).

Recommendation

- 1. That the Submitters Committee note the submissions received in relation to Planning Application PLN/2020/52; 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 26 May 2021.**

Background

The subject site is located on the north-east side of Gradys Lane, approximately 320m north of its intersection with Eatons Road. It is an irregular triangular shape site with a frontage to Gradys Lane of 966m and falls from the north-west to the south-east with expansive views to the south-east.

The site is largely vacant with the exception of a shed located in the south-east corner. The north-western section of the site is heavily vegetated with native vegetation. The site is fenced with post and wire along all boundaries and is fenced into two separate paddocks. It is also dissected by a number of overhead power lines.

Access is existing from Gradys Lane. The land is largely screened from the road by extensive roadside native vegetation.

The surrounding area comprises a mixture of lot sizes with most containing dwellings with associated outbuildings on significantly vegetated blocks.

Summary of Proposal

It is proposed to use and develop the site for a dwelling with associated domestic infrastructure, including a wastewater treatment system and water storage tanks.

The dwelling will be located within the existing cleared area of the site having a total floor area of 407m². It will be setback 124.4m from Gradys Lane and 125.9m from the south-east boundary.

The dwelling will be single storey comprising three (3) bedrooms, a study, two (2) bathrooms, laundry, kitchen, meals area, living room with attached garage.

Sections of the south-east, north-east and north-west elevations will have a veranda and sun deck. Building materials will comprise walls in a mixture of bagged brick and scyron weatherboards in Shale Grey and a colour bond metal roof in Basalt. Extensive cut and fill will be required across the building area footprint with a site cut to a maximum of 2.235m and fill to a maximum of 1.577m. The maximum overall height of the dwelling will be 6.12m.

A 500m² wastewater dispersal envelope will be located south of the dwelling. Access will be via an upgrade, re-alignment and extension to the existing driveway off Gradys Lane which will provide access to the garage at the south end of the dwelling. This access will provide a vehicle manoeuvring area for emergency vehicles. A 10,000 litre minimum capacity water tank will be located adjacent to the driveway in accordance with Country Fire Authority requirements. No native vegetation removal will be required.

It should be noted that the application has been amended since first being submitted in February 2020, with changes to siting, dwelling design and screen planting proposed. These changes have been proposed in an attempt to address issues raised by objectors following advertising of the original proposal. These amended plans have also been put to advertising.

Planning Permit Trigger/s

A planning permit is required to:

- Use the land for a dwelling in a Rural Conservation Zone (RCZ);
- Construct buildings and works associated with a Dwelling use in a RCZ;
- Construct buildings and works associated with accommodation on land not connected to reticulated sewerage in an Environmental Significance Overlay;
- Construct a building or construct or carry out works in a Significant Landscape Overlay;
- Construct a building or construct or carry out works associated with accommodation in a Bushfire Management Overlay.

Summary of Submission

Twelve (12) objections were received to this application. They are summarised as follows:

Objection/concern regarding application

- Inaccuracy of submitted information regarding dwelling density surrounding the site.
- Inappropriate urbanisation of Kerrie.
- No agricultural activity proposed.

- Impact on privacy of nearby properties, particularly that adjoining to the south-east.
- Excessive extent of earthworks.
- Detriment to the visual amenity of the area.
- Adverse impact on the water catchment.
- Inaccuracy of the submitted Bushfire Management Statement.
- Intent of application is merely to increase land value.
- Location of the water catchment boundaries within the site.
- Detrimental impact on rural landscape and views.
- Devaluation of adjoining properties.
- Negative impact on native flora and fauna.
- Increase in bushfire risk to residents of the dwelling and those surrounding.
- No domestic water storage tanks shown on plans.
- Inadequate access for emergency vehicles.
- Inaccuracy of the submitted Land Capability Assessment.

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.