

Submitters Committee Meeting Agenda

Wednesday 10 March 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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	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</i> 1989 (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 February 2021**

Recommendation:

That the minutes of the Submitters Committee of the Macedon Ranges Shire Council held on Wednesday 10 February 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 PLANNING PERMIT PLN/2020/225 -

**Resubdivision of Sixteen (16) Lots into Twenty Two (22) Lots, Creation of Easement, and Removal of Vegetation (Native and Non-Native)
36 Sullivans Road, Woodend**

Officer Damien Hodgkins – Senior Statutory Planning Officer

Attachments Submissions received

Purpose and Overview

To hear from submitters in relation to Planning Application PLN/2020/225 regarding the resubdivision of Sixteen (16) Lots into Twenty Two (22) Lots, Creation of Easement, and Removal of Vegetation (Native and Non-Native) for the land at 36 Sullivan Road, Woodend.

Recommendations

1. That the Submitters Committee note the application received in relation to Planning Permit Application PLN/2020/225 – Resubdivision of Sixteen (16) Lots into Twenty Two (22) Lots, Creation of Easement, and Removal of Vegetation (Native and Non-Native)
2. That recommendations be prepared, based on all relevant information, including the application received, for consideration and determination at the Scheduled Council Meeting on 28 April 2021.

Background

The subject land comprises a relatively large parcel of residential zoned land totalling 3.5 hectares. The site is located 1.3 kilometres south-east of the Woodend town centre, directly adjacent to the township boundary. The land comprises 16 existing lots and an undeveloped road reserve. The existing lots are around 1750m² in area, and align either side of an unconstructed road reserve running centrally through the site. The land is relatively level in its topography and contains two stands of native trees within its east and west sides as well as a row of large old pine trees along its eastern boundary. Third party vegetation encroaches into the site from the north and west.

Surrounding properties to the west and south are similarly large sized lots containing single dwellings set amongst established gardens. Properties to the north of the site contain established dwellings on slightly smaller lots, other than two large vacant parcels likely to be developed for retirement living that are owned by Gemlife. To the east of the site are larger properties subject to Rural Living Zone.

The application was advertised and four (4) submissions were received.

Summary of Proposal

The proposal involves the resubdivision of the existing 16 lots into 22 new lots and the removal of native and exotic vegetation. The resubdivision would create new lots varying

between 1207m² and 1363m² in size that would be reduced in width compared to the original lots.

A total of twelve native trees ranging from small to large are proposed to be removed due to a combination of their siting within the existing and proposed lot layout and the poor structural condition of the larger old trees, and to facilitate the road connection to Sullivans Road, whilst a row of large old pine trees along the eastern boundary of the site would also be removed given their deteriorating condition. Native vegetation offsets are proposed to compensate for the native trees to be removed.

The applicant proposes the application of development restrictions including setbacks of development from front, side and rear boundaries to ensure a spacious development layout is achieved as appropriate for the neighbourhood character of this locality as well as the protection of retained trees within lots and third party vegetation encroaching into the subject land.

Planning Permit Trigger/s

A planning permit is required to:

- Subdivision of the land in a Neighbourhood Residential Zone (Schedule 6)
- Subdivision on a land affected by an Environmental Significance Overlay (Schedule 4)
- Remove vegetation on land affected by an Environmental Significance Overlay (Schedule 4)
- Creation of easement under Clause 52.02
- Remove native vegetation under clause 52.17 on land that is over 4000m² in size.

Summary of Submissions

The application was advertised and four (4) objections were received. A summary of these objections are as follows:

- Overdevelopment and urbanisation of locality by proliferation of subdivisions and higher density residential development.
- Lots too small in context of existing lot sizes of site and surrounds and preferred neighbourhood character.
- Increased traffic volume and road safety issues, also preference for access via Bawden Road rather than Sullivans Road.
- Bushfire safety for new dwellings compromised by single access by cul de sac road.
- Detrimental amenity impacts from increased traffic noise as well as subdivision development works and subsequent construction of dwellings.
- Loss of privacy by overlooking from new dwellings on resubdivided lots.
- Loss of native vegetation and detrimental habitat impact, as well as detrimental neighbourhood character impact.
- Consent not provided by Gemlife for sewerage easement to be provided through its adjacent property to connect sewer to the application site. Preference for permit condition requiring negotiation to be undertaken for sewerage works within Gemlife land.

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 PLANNING PERMIT PLN/2020/141 - Development and Use of a Child Care Centre, and Removal of Vegetation (Non-Native) 67 Simpson Street, Kyneton	
Officer	Damien Hodgkins – Senior Statutory Planning Officer
Attachments	Submissions received

Purpose and Overview

To hear from submitters in relation to Planning Application PLN/2020/141 regarding the Development and Use of a Child Care Centre, and Removal of Vegetation (Non-Native) for the land at 67 Simpson Street, Kyneton.

Recommendations

3. That the Submitters Committee note the application received in relation to Planning Permit Application PLN/2020/141 – Development and Use of a Child Care Centre, and Removal of Vegetation (Non-Native)
4. That recommendations be prepared, based on all relevant information, including the application received, for consideration and determination at the Scheduled Council Meeting on 28 April 2021.

Background

The subject land is located 600 metres east of the Kyneton town centre and comprises the former Kyneton Hospital property located between Wedge Street and Mill Street near the south-western corner of the Kyneton township.

The Victorian Heritage Listed former hospital buildings occupy the eastern side of the site whilst the remainder of the land contains no buildings. A road reserve through the centre of the site to Mill Street was previously discontinued and consolidated into the subject land and is no longer a right of way or other formal public accessway. The former hospital buildings occupy a high point on the eastern side of the land, with the topography of the site otherwise falling downhill to the south, west and north. Vegetation within the site comprises a centrally located row of ash trees along with other scattered trees and shrubs, whilst oak trees subject to heritage overlay align the Wedge Street frontage.

The Campaspe River runs along the southern boundary of the site along its course on the south and western sides of the Kyneton Township. To the east and west sides of the site are residential properties. To the north side of the site is the Windarring community services building and social housing dwellings. The broader area of the south-western corner of Kyneton is a predominantly residential precinct.

The application was advertised and seven (7) submissions were received. Two (2) in support of the application and five (5) objections.

Summary of Proposal

The proposal comprises the development and use of a childcare centre and the removal of four non-native trees. The childcare centre would occupy the very north-eastern corner of the site and would be set back 16 metres from the Wedge Street frontage to the east and 12 metres from the northern side boundary. The double storey building would rise to maximum height of 10.5 metres at roof apex. The building would include five childcare rooms and an infant care room, as well as a reception area, kitchen, and staff/meeting room. The lower floor area would include water tanks, maintenance/store rooms and bin storage.

The building is oriented east to west to present a narrow frontage to Wedge Street, and would utilise weatherboard and brick wall cladding with corrugated metal roof cladding in muted shades of grey, along with pitched roofing and verandahs. Outdoor play areas would be located to the south side of the building. The childcare centre would provide 120 places for children between 6 months and five years with staffing totalling 24 including 16 educators. The childcare centre would operate between 6:30am and 6:30pm on weekdays.

Driveway access from Wedge Street is proposed to access eight parking spaces located at the front of the building and another thirteen spaces located along the north side of the building. The applicant has indicated a willingness to relocate the entry driveway to the Wedge Street/Simpson Street intersection to overcome traffic safety concerns relating to the current proposed location just north of that junction. A second parking area for staff providing 19 spaces is proposed within the north-western area of the site along with footpath access to the childcare centre. Tree removal proposed includes four ash trees along the southern side of the childcare centre location.

Planning Permit Trigger/s

A planning permit is required to:

- Use and development of the land for a Child Care Centre in a Neighbourhood Residential Zone (Schedule 10)
- Remove vegetation on land affected by an Environmental Significance Overlay (Schedule 4)

Summary of Submissions

The application was advertised and seven (7) submissions were received. Two (2) in support of the application and five (5) objections.

The objections can be summarised as follows:

- Amenity impacts from traffic noise and movement including at morning and evening collection/drop off times, and from external amplification of music and noise of children playing outside. Visual amenity impacts from large building and likely signage (lack of signage details noted). Proposed grey external cladding colours inappropriate, preference for light colours.
- Traffic safety impacts to local residents and other pedestrians from increased traffic and location of driveways in blind spot on Wedge Street. Preference for alternative driveway location directly opposite Simpson Street and for new footpaths to be provided along streets nearby.
- Loss of public right of way, preference to maintain direct pedestrian connection to Campaspe River through site.
- Amenity impacts from development activity to sensitive nearby occupier.
- Plans do not show pedestrian link between childcare building and western car park area adjacent to Mill Street.
- Loss of views.

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.