

Submitters Committee Meeting Minutes

Wednesday 9 June 2021 at 7.06pm

Held online and livestreamed at [mrsc.vic.gov.au](https://www.mrsc.vic.gov.au)

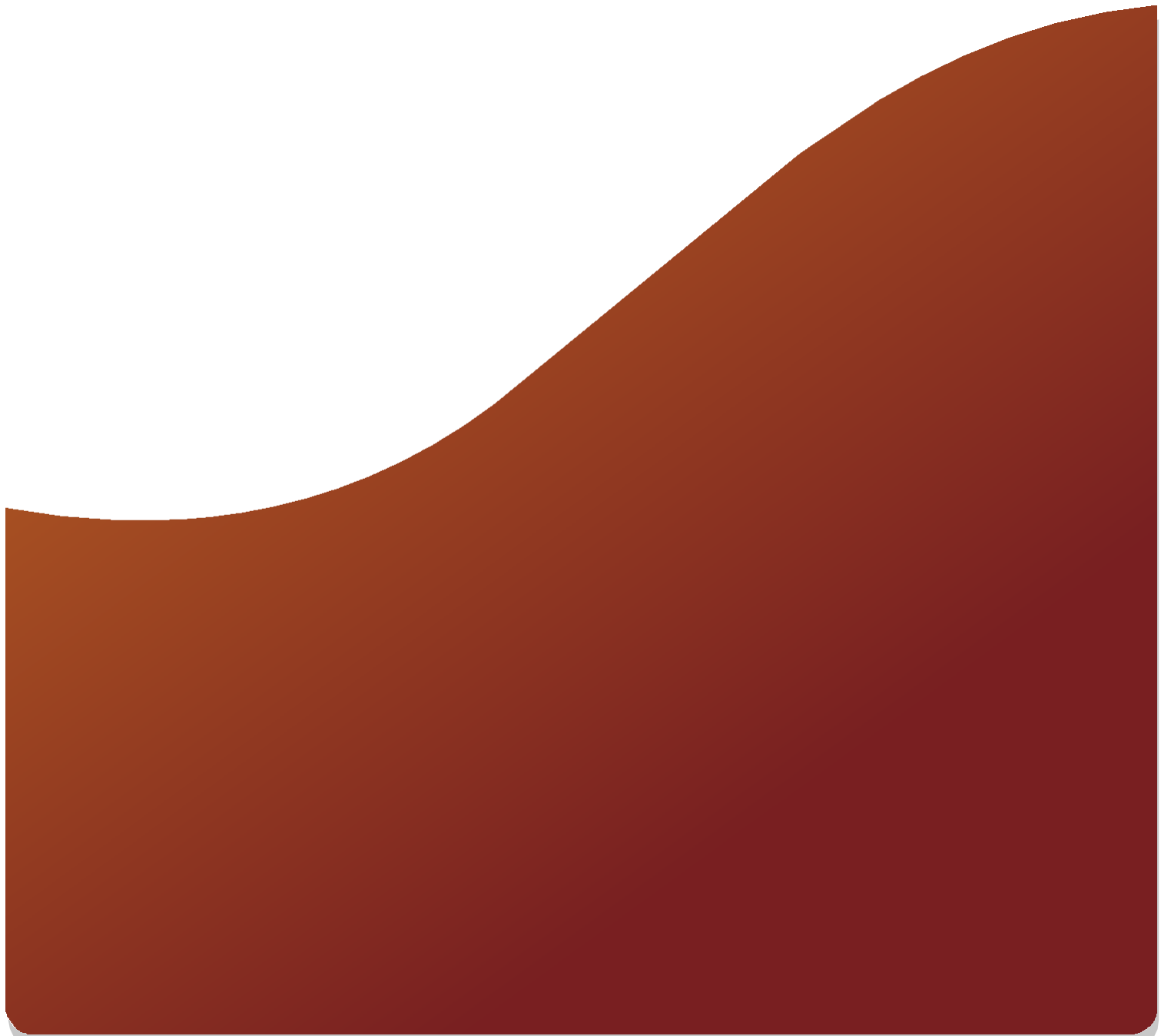


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It was moved by Cr West and seconded by Cr Guthrie that due to the exceptional circumstances which caused power outages in Woodend, that the Committee appoints the Deputy Mayor, Cr Mark Ridgeway to Chair this meeting of the Submitters Committee in the absence of the Mayor, who is not able to connect to the meeting.

CARRIED

1. ACKNOWLEDGEMENT OF COUNTRY

2. RECORDING AND LIVE STREAMING OF THIS COMMITTEE MEETING

This meeting will be held online and streamed live on the internet.

The meeting will be recorded. The recording will be available on Council's website within 48 hours of the end of the meeting.

3. PRESENT

Cr Jennifer Anderson (Mayor)	West Ward
Cr Mark Ridgeway (Deputy Mayor)	West Ward
Cr Janet Pearce	West Ward
Cr Geoff Neil	East Ward
Cr Bill West	East Ward
Cr Annette Death	East Ward
Cr Rob Guthrie	South Ward

In Attendance

Mr Bernie O'Sullivan	Chief Executive Officer
Ms Angela Hughes	Director Planning and Environment
Ms Allison Watt	Coordinator Governance
Ms Jessica Baguley	Senior Governance Officer

4. APOLOGIES

Apologies were received from Cr Dominic Bonanno and Cr Anne Moore.

5. DECLARATION OF CONFLICTS OF INTEREST

Nil.

6. PURPOSE OF THE COMMITTEE

7. ADOPTION OF MINUTES

Submitters Committee Meeting: **Wednesday 12 May 2021**

Officer Recommendation:

That the minutes of the Submitters Committee Meeting of the Macedon Ranges Shire Council held on Wednesday 12 May 2021 as circulated be confirmed.

It was moved by Cr Guthrie and seconded by Cr Neil that the Officer Recommendation be adopted.

CARRIED

Suspension of Standing Orders

[7.12pm] It was moved by Cr Neil and seconded by Cr Pearce that standing orders be suspended in order to hear from submitters regarding items on the agenda.

CARRIED

8. HEARING OF SUBMITTERS

Item Submitters

8.1 Three submitters addressed the committee

a. Jarryd Gray, legal representative for Paul and Natasha Holgate

Mayor, Cr Jennifer Anderson, took the chair at 7.32pm.

b. Christopher Knauf on behalf of himself and:

- Dorothy Carmichael
- Reg Till
- Chris Jenkins
- Anna Barker
- Betty Zacutti
- Brenda Durban
- John Durban
- Rhonda Holmes

c. Con Constantinou provided a written statement, which was read by the Director Planning and Environment on behalf of himself and:

- Olympia Constantinou
- Diana Taleb

Resumption of Standing Orders

[7.48pm] It was moved by Cr Guthrie and seconded by Cr Ridgeway that standing orders be resumed in order to consider the Officer Recommendations regarding item on the agenda.

CARRIED

9. PLANNING MATTER - PLN/2014/28/C – Holgates 79 High Street, Woodend

Background:

The application site is located on the south-west corner of High and Anslow Streets, in the Woodend town centre. The site comprises two parcels of land. One parcel contains the hotel, which has been in existence since circa 1870. The other parcel contains an extension which has recently been constructed.

A private laneway traverses the site providing access to the subject site and adjoining properties.

The site and immediately surrounding area are located within a Commercial 1 Zone. Residentially-zoned land is located in close proximity to the site. Given this, there are a variety of land uses in the surrounding area comprising cafes, restaurants, shops and residential properties.

On 18 February 2015, Council issued Planning Permit PLN/2014/28 for the use and development of the land for the purpose of an extension to the existing brewery operation, waiver of car parking and business identification signage. The 'development' referred to is the extension that has occurred on the land facing Anslow Street.

The current application before VCAT is to reinstate Conditions 6 and 9 of the planning permit. Council lodged an application under section 87 of the Planning and Environment Act 1987 to reinstate these conditions, on the basis that:

1. A decision by a delegate of the Council involved a failure to give notice to nearby residents; and
2. A material mistake occurred, in that the delegate did not comply with the terms of the Delegations Framework, Policy and Procedure (the Framework), which requires that Councillors be given the opportunity to call the application into a Briefing or Council Meeting if they wished.

Following a preliminary hearing, VCAT agreed that there had been a failure to notify potentially affected persons and that the delegate made a mistake in failing to comply with the Framework.

As a consequence, the decision to delete the conditions was found to be unlawful.

The hearing as to the disputed conditions is listed for a full merits hearing before VCAT on 6 and 7 September 2021. Any expert evidence to be relied upon must be filed 10 business days before then.

Officer Recommendation:

1. That the Submitters Committee notes the submissions received in relation to the current Victorian Civil and Administrative Tribunal matter concerning Planning Permit PLN/2014/28/C (79 High Street, Woodend); and
2. That recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the Scheduled Council Meeting on 23 June 2021.

It was moved by Cr West seconded by Cr Death that the Officer Recommendation be adopted.

CARRIED

Closure of Meeting

The meeting closed at 7.50pm.

**Councillor Jennifer Anderson
Mayor / Chairperson**