

# Submitters Committee Meeting Agenda

**Wednesday 10 February 2021 at 7pm**  
**Held online and livestreamed at [mrsc.vic.gov.au](http://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](http://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"><li>• people in support of written submissions lodged in accordance with s223 of the <i>Local Government Act 1989</i> (LGA);</li><li>• 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;</li><li>• persons who have made an objection or submission to a planning application in accordance with the <i>Planning and Environment Act 1987</i> (P&amp;E Act); and</li><li>• planning permit applicants and/or land owners in relation to a planning permit application submitted in accordance with the P&amp;E Act.</li></ul>	
7.	<b>Hearing of submitters in respect of PLN-2020- 291 – 85 Harpers Lane Kyneton</b>	<b>3</b>

## **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><b>Online meeting:</b> <i>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 13 January 2021**

### **Recommendation:**

**That the minutes of the Submitters Committee of the Macedon Ranges Shire Council held on Wednesday 13 January 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/2020/291 -  
Subdivision of the land into 87 lots, removal of easements, and the removal of native vegetation**

**85 Harpers Lane, Kyneton**

**Officer Damien Hodgkins – Senior Statutory Planning Officer**

**Purpose and Overview**

To hear from submitters in relation to Planning Application PLN/2020/291 regarding the Subdivision of the land into 87 lots, removal of easements, and the removal of native vegetation for the land at 8 Harpers Lane, Kyneton

**Recommendations**

1. **That the Submitters Committee note the application received in relation to Planning Permit Application PLN/2020/291 – Subdivision of the land into 87 lots, removal of easements, and the removal of native vegetation**
2. **That recommendations be prepared, based on all relevant information, including the application received, for consideration and determination at the Scheduled Council Meeting on 24 February 2021.**

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**Background**

The subject site is located south of the Kyneton township on land zoned for Low Density residential purposes. The application is to subdivide the land in 87 lots.

The application was advertised and twenty four (24) submissions were received.

**Summary of Proposal**

It is proposed to subdivide the land into 87 lots, remove easements, and remove native vegetation.

**Planning Permit Trigger/s**

A planning permit is required to:

- Subdivide land in a Low Density Residential Zone
- Subdivide land affected by an Environmental Significance Overlay (Schedule 4)
- Remove vegetation on land affected by an Environmental Significance Overlay (Schedule 4)
- To remove an easement
- Remove native vegetation under clause 52.17 on land that is over 4000m<sup>2</sup> in size.

### Summary of Submissions

Twenty four (24) submissions have been received to this application. They are summarised as follows:

Objection/concern	Summary	Officer comment
1	<ul style="list-style-type: none"> <li>• 2000m2 lot sizes too small for character of locality, lots should be larger</li> <li>• Increased traffic, road safety issues including pedestrians</li> <li>• Amenity impacts including noise and dust</li> <li>• Loss of privacy</li> </ul>	Noted
2	<ul style="list-style-type: none"> <li>• 2000m2 lot sizes too small for character of locality, lots should be larger</li> <li>• Removal of native vegetation inappropriate</li> <li>• Increased traffic, road safety issues including pedestrians</li> <li>• Amenity impacts including noise and dust</li> <li>• Drainage and flooding</li> </ul>	Noted
3	<ul style="list-style-type: none"> <li>• 2000m2 lot sizes too small for character of locality, lots should be larger</li> </ul>	Noted
4	<ul style="list-style-type: none"> <li>• Increased traffic, road safety issues including pedestrians</li> <li>• Amenity impacts including noise and dust</li> <li>• Need to upgrade Harpers Lane at developer's expense and reduce speed limit</li> <li>• 2000m2 lot sizes too small for character of locality, lots should be larger</li> <li>• Non-reflective roofing for new dwellings preferred</li> <li>• Proposal not in keeping with Kyneton South Framework Plan</li> <li>• Requesting restriction for further subdivision in future</li> </ul>	Noted
5	<ul style="list-style-type: none"> <li>• Amenity impacts including noise and dust</li> <li>• Inappropriate development interface with rural zoned land west of Harpers Lane</li> <li>• Increased traffic, road safety issues including pedestrians</li> <li>• Dogs from new properties attacking livestock</li> </ul>	Noted

	<ul style="list-style-type: none"> <li>• Issues with local town water and sewerage services</li> <li>• Drainage and flooding</li> <li>• Heritage matters including bluestone cobbles in Harpers Lane</li> <li>• Proposal not in keeping with Kyneton South Framework Plan</li> </ul>	
<b>6</b>	<ul style="list-style-type: none"> <li>• Drainage and flooding</li> <li>• Increased traffic, road safety issues including pedestrians</li> <li>• Heritage matters including bluestone cobbles in Harpers Lane</li> <li>• Proposal not in keeping with Kyneton South Framework Plan</li> <li>• 2000m2 lot sizes too small for character of locality, lots should be larger</li> <li>• Amenity impacts including noise and dust</li> </ul>	Noted
<b>7</b>	<ul style="list-style-type: none"> <li>• Proposal not in keeping with Kyneton South Framework Plan and Macedon Ranges Planning Scheme policies</li> <li>• Waterway necessary to be retained for drainage and connectivity</li> <li>• Need to provide better service and road integration with Wattle Way to the south including interfacing with future resubdivided layout of that land</li> <li>• Preference for Harpers Lane to be upgraded to Wattle Way</li> <li>• 2000m2 lot sizes too small for character of locality, lots should be larger</li> </ul>	Noted
<b>8</b>	<ul style="list-style-type: none"> <li>• Inappropriate development interface with rural zoned land west of Harpers Lane</li> <li>• Increased traffic, road safety issues including pedestrians</li> <li>• Stormwater drainage issues</li> <li>• Subdivision not in keeping with Kyneton character</li> </ul>	Noted
<b>9</b>	<ul style="list-style-type: none"> <li>• 2000m2 lot sizes too small for character of locality, lots should be more diverse including larger lots</li> <li>• Lack of public open space</li> <li>• Increased traffic on rural road</li> </ul>	Noted

	<ul style="list-style-type: none"> <li>• Issues with local town water and sewerage services</li> <li>• Amenity impacts including noise and dust</li> </ul>	
<b>10</b>	<ul style="list-style-type: none"> <li>• Subdivision unnecessary for housing supply</li> <li>• Detrimental impacts to nearby rural/farming land</li> <li>• Inappropriate development interface with rural zoned land west of Harpers Lane</li> <li>• Increased traffic, road safety issues including lack of pedestrian access from site to Kyneton Station</li> <li>• Issues with local town water and sewerage services</li> <li>• Stormwater drainage issues</li> <li>• Issues with extent of public notice</li> <li>• Developer making good profit, can afford a higher quality development with more variation of lots in keeping with surrounding character and provision of more public open space</li> <li>• Property devaluation</li> </ul>	Noted
<b>11</b>	<ul style="list-style-type: none"> <li>• Proposal not in keeping with Kyneton South Framework Plan and Kyneton Structure Plan</li> <li>• Lack of public open space within subdivision which would be appropriate for rural character of surrounding locality</li> <li>• Amenity impacts including noise and dust, and loss of privacy</li> <li>• Inappropriate interface with surrounding properties including along Harpers Lane</li> <li>• 2000m<sup>2</sup> lot sizes too small for character of locality, lots should be larger, preference for limitations on further subdivision</li> <li>• Increased traffic, road safety issues including lack of pedestrian access from site to Kyneton Station</li> <li>• Subdivision road layout inappropriate with narrow roads and cul-de-sacs, alternative access road other than Harpers Lane preferred</li> <li>• Stormwater and flooding issues</li> <li>• Issues with local town water and sewerage services</li> </ul>	Noted



	<ul style="list-style-type: none"> <li>Heritage issues in respect to bluestone cobblestones in Harpers Lane and Aboriginal heritage</li> </ul>	
<b>12</b>	<ul style="list-style-type: none"> <li>Subdivision unnecessary for housing supply</li> <li>Detrimental impacts to nearby rural/farming land</li> <li>Inappropriate development interface with rural zoned land west of Harpers Lane</li> <li>Increased traffic, road safety issues including lack of pedestrian access from site to Kyneton Station</li> <li>Issues with local town water and sewerage services</li> <li>Stormwater drainage issues</li> <li>Issues with extent of public notice</li> <li>Developer making good profit, can afford a higher quality development with more variation of lots in keeping with surrounding character and provision of more public open space</li> </ul>	Noted
<b>13</b>	<ul style="list-style-type: none"> <li>2000m2 lot sizes too small for character of locality, lots should be larger</li> <li>Increased traffic, road safety issues</li> <li>Amenity impacts including noise and visual detriment/loss of outlook</li> <li>Loss of rural ambience</li> </ul>	Noted
<b>14</b>	<ul style="list-style-type: none"> <li>Proposal not in keeping with Kyneton South Framework Plan and Macedon Ranges Planning Scheme policies</li> <li>Increased traffic, road safety issues including lack of pedestrian access to Kyneton station</li> <li>Loss of agricultural land and rural landscape</li> <li>2000m2 lot sizes too small for character of locality, lots should be larger</li> <li>Fast population increase inappropriate in this part of Kyneton and the town in general</li> <li>Stormwater drainage and flooding issues</li> <li>Lack of public open space</li> <li>Heritage issues in respect to bluestone cobblestones in Harpers Lane</li> </ul>	Noted
<b>15</b>	<ul style="list-style-type: none"> <li>Increased traffic, road safety issues</li> </ul>	Noted

	<ul style="list-style-type: none"> <li>• Larger lot sizes preferred</li> </ul>	
<b>16</b>	<ul style="list-style-type: none"> <li>• Issues with extent of notice provided</li> </ul>	Noted
<b>17</b>	<ul style="list-style-type: none"> <li>• 2000m2 lot sizes too small for character of locality, lots should be larger</li> <li>• Issues with local town water and other services</li> <li>• Inappropriate interface with rural land</li> <li>• Environmental impact including loss of native vegetation</li> </ul>	Noted
<b>18</b>	<ul style="list-style-type: none"> <li>• 2000m2 lot sizes too small for character of locality, lots should be larger</li> <li>• Issues with local town water and other services</li> <li>• Inappropriate interface with rural land</li> <li>• Environmental impact including loss of native vegetation</li> </ul>	Noted
<b>19</b>	<ul style="list-style-type: none"> <li>• Increased traffic, safety issues</li> <li>• 2000m2 lot sizes too small for character of locality, lots should be larger</li> <li>• Issues with sewerages services</li> <li>• Insufficient car parking at Kyneton station for increased population</li> <li>• Loss of rural ambience</li> </ul>	Noted
<b>20</b>	<ul style="list-style-type: none"> <li>• 2000m2 lot sizes too small for character of locality, lots should be larger</li> <li>• Development of Kyneton South area occurring too soon</li> <li>• Issues with town water, sewerage and other services</li> <li>• Loss of rural amenity and outlook</li> <li>• Environmental impacts including native animals</li> </ul>	Noted
<b>21</b>	<ul style="list-style-type: none"> <li>• Increased traffic, safety issues</li> </ul>	Noted
<b>22</b>	<ul style="list-style-type: none"> <li>• 2000m2 lot sizes too small for character of locality, lots should be larger</li> <li>• Issues with town water and sewerage services</li> <li>• Increased traffic, safety issues including pedestrian access to town centre</li> <li>• Environmental impacts including vegetation removal and native animals</li> </ul>	Noted

	<ul style="list-style-type: none"><li>• Loss of rural ambience</li></ul>	
<b>23</b>	<ul style="list-style-type: none"><li>• 2000m2 lot sizes too small for character of locality, lots should be larger</li><li>• Issues with town water, sewerage and other services and infrastructure</li><li>• Loss of rural ambience</li></ul>	Noted
<b>24</b>	<ul style="list-style-type: none"><li>• Increased traffic, safety issues including access for fire fighting vehicles</li><li>• 2000m2 lot sizes too small for character of locality, lots should be larger</li><li>• Heritage issues with bluestone cobblestones in Harpers Lane</li><li>• Issues with town water, sewerage and other services and infrastructure</li><li>• Loss of rural ambience</li></ul>	Noted

**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.