

Agenda

**Unscheduled Council Meeting
Tuesday 5 October 2021 at 9am
Gisborne Administration Centre
40 Robertson Street, Gisborne**

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1 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges that Macedon Ranges Shire is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Countries. Council acknowledges that we are gathering today on the land of Wurundjeri Woi Wurrung peoples. Council pays its respects to their Elders past, present and emerging and the Elders from other communities who may be here today.

2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

This meeting is being recorded and streamed live on the internet, in accordance with Council's 'Live Streaming and Publishing Recordings of Meetings' policy, which can be viewed on Council's website.

3 PRESENT**4 APOLOGIES****5 CONFLICTS OF INTEREST**

6 CHIEF EXECUTIVE OFFICER REPORTS

CX.1	OCTOBER SUBMITTERS DELEGATED COMMITTEE DATE
Officer:	Kate Young, Manager Legal and Corporate Governance
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	Nil

Summary

It is proposed that Council reschedule the October meeting of the Submitters Delegated Committee from Thursday 14 October 2021 to Wednesday 13 October 2021.

Recommendation

That Council reschedule the October meeting of the Submitters Delegated Committee from Thursday 14 October 2021 to Wednesday 13 October 2021.

Background

At the Council meeting on 22 September 2021, Council resolved to reschedule the October meeting of the Submitters Delegated Committee from 13 October 2021 to 14 October 2021 because there was also a meeting of the Planning Delegated Committee scheduled for 13 October 2021.

Discussion

On the basis of updated information regarding the likely number of speakers at each meeting, it is anticipated that there will be ample time for both meetings on the same night.

Consultation and engagement

No consultation or engagement was required due to the nature of this matter.

Collaboration

No collaboration was required due to the nature of this matter.

Innovation and continuous improvement

This matter is not the subject of any measures for innovation and continuous improvement.

Relevant law

Since the meeting of the Submitters Delegated Committee meetings was scheduled by a Council resolution, a Council resolution is required to reschedule it.

Relevant regional, state and national plans and policies

Not applicable.

Relevant Council plans and policies

Not applicable.

Financial viability

There are no impacts on financial viability.

Sustainability implications

No sustainability impacts have been identified.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

7 NOTICES OF MOTION AND RESCISSION

No. 37/2021-22: NOTICE OF RESCISSION - APPLICATION FOR PLANNING PERMIT PLN/2020/331 - USE AND DEVELOPMENT OF THE LAND FOR A RESIDENTIAL AGED CARE FACILITY - LOT 2 MELBOURNE LANCEFIELD ROAD, ROMSEY

Attachments: Minutes - 22 September 2021 - Application for Planning Permit PLN/2020/331 - Use and development of the land for a residential aged care facility - Lot 2 Melbourne Lancefield Road, Romsey [↓](#)

I, Councillor Anne Moore, give notice that at the next Meeting of Council to be held on 5 October 2021, I intend to move the following rescission motion:

That the resolution 2021/80 titled Application for Planning Permit PLN/2020/331 - Use and development of the land for a residential aged care facility - Lot 2 Melbourne Lancefield Road, Romsey which was passed at the meeting of 22 September 2021 be rescinded.

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PE.3 APPLICATION FOR PLANNING PERMIT PLN/2020/331 - USE AND DEVELOPMENT OF THE LAND FOR A RESIDENTIAL AGED CARE FACILITY - LOT 2 MELBOURNE LANCEFIELD ROAD, ROMSEY**Summary**

The application proposes the use and development of an aged care facility.

The application was advertised and eight (8) objections were received.

Key issues to be considered relate to the suitability of the land for the proposed use given its location outside the Romsey town boundary and potential neighbourhood amenity and traffic impacts.

The matter is subject to an appeal to the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the matter within statutory timeframes. Council needs to determine its position ahead of the VCAT hearing and compulsory conference.

It is recommended that Council determine that, had it decided the application, it would have refused the application on grounds related to its remoteness from services, its alienation of rural residential land, its impact on the rural character of the land, its location outside the Romsey township boundary, and its amenity and traffic impacts.

Recommendation

That Council determines that, had it decided the application, it would have refused the application on the following grounds:

- 1. The proposal is inappropriately located given its remoteness from services, transport and complementary land uses, contrary to clause 16.01-5S – Residential Aged Care Facilities and clause 21.04 – Settlement.**
- 2. The proposal inappropriately reduces the supply of land for rural living purposes, contrary to the purpose of the Rural Living Zone, clause 21.03 – Vision – Strategic Framework Plan, clause 21.04 – Settlement, and clause 21.07 – Natural Resource Management.**
- 3. The proposal does not appropriately respect and respond to the rural character of the land, contrary to the purpose of the Rural Living Zone, clause 21.03 – Vision – Strategic Framework Plan, clause 21.04 – Settlement, clause 21.05 – Environmental and Landscape Values, clause 21.08 – Built Environment and Heritage, and clause 21.09 - Housing.**
- 4. The proposal is contrary to the guidance regarding settlement patterns and township structure in clause 21.03 – Vision – Strategic Framework Plan, clause 21.04 – Settlement, clause 21.09 – Housing, and 21.13-4 (Local Areas and Small Settlements – Romsey).**
- 5. The proposed scale and form would be incongruous and inappropriate in a rural living setting.**
- 6. The proposed traffic and amenity impacts would be inappropriate given the site's location and the policy guidance of the scheme.**
- 7. The proposal is inconsistent with Part 3AAB of the Planning and Environment Act 1987, the Macedon Ranges Statement of Planning Policy (MRSP), and**

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Clause 51.07 of the Planning Scheme, as the proposal does not accord with established township boundaries.

8. Notes the error in the table on page 38 of the report which should read Clause 16.01.5S – Residential Aged Care Facilities
-

Resolution 2021/1

Moved: Cr Geoff Neil

Seconded: Cr Bill West

A) That Council determine that had it decided the application it would have issued a Notice of Decision to Grant a permit for use and development of the land for a residential aged care facility at Lot 2 Melbourne Lancefield Road, Romsey subject to the following conditions:

1. Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the advertised plans but modified to show:
 - (a) All changes required in accordance with the landscaping plan required by condition 2.
 - (b) Upgrade of footpath along site boundary in accordance with condition 3.
 - (c) All changes to the plans required by condition 7.
 - (d) Vehicle circulation made one-way, with resultant reduction of hard stand and provision of additional landscape opportunities.
2. Before the development commences, three copies of a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of this permit. The plan must show:
 - (a) A survey of all existing vegetation and natural features;
 - (b) Existing suckering Elm species along boundary of site to be removed and replaced with appropriate tree species along length of all site boundaries to provide filtered views through to development.
 - (c) Extension of the 'screened planting to edge of turf spaces with screened views over drainage basins' (point 5 on landscape plan, sheet M1.101) along the embankment of the fill pad (fronting Melbourne-Lancefield Road) to provide additional buffering of built form and reduce visual prominence of fill pad.
 - (d) Landscaping to embankment to the west and north of the building to stabilise and create landscape feature.
 - (e) Enhanced walking paths and supportive infrastructure (such as seating) throughout the site suitable for the mobility impaired.

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- (f) All existing street trees to be retained must be fenced prior to any works commencing, or any heavy machinery entering the site;
 - (i) Tree Protection fencing is to comprise temporary security fencing of minimum 1.8m high and fixed to block bases.
 - (ii) Fencing is to be installed a minimum of two (2) metres in each direction from the trunk surrounding the tree to create an exclusion zone and must remain in place until the conclusion of works.
 - (iii) No trenching or removal of soil, dumping or storage of fuel, material or equipment is to take place within the protected zone.
- (g) The area or areas set aside for landscaping;
- (h) A schedule of all proposed trees, shrubs/small trees and ground cover;
- (i) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
- (j) Appropriate irrigation systems including irrigation form site water tanks or an alternative recycled water source.

Notes to be placed on the Landscape Plan

The following notations added to the landscape plan:

- Contractors are to confirm the location of all underground services prior to commencement of any excavation.
 - Tree planting is to occur between April & September to maximise establishment and survival.
3. Prior to the commencement of the use the footpaths along Hutchinsons Lane and to the Romsey town centre must be upgraded as follows:
 - (a) The footpath along Hutchinson Lane must be upgraded to a shared footpath standard suitable to support mobility scooters to the satisfaction of the Responsible Authority.
 - (b) Footpaths between the subject site and Murphy Street in the town centre must be upgraded to a shared footpath standard suitable to support the use of mobility scooters to the satisfaction of the Responsible Authority.
 4. The uses and development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
 5. Unless with the prior written consent of the Responsible Authority, before the commencement of the uses, the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.
 6. Unless with the prior written consent from the Responsible Authority, the loading and unloading of goods from any vehicles must only be carried out within the boundaries of the land and must not be conducted before 8:00am or after 6:00pm on any day.

Engineering Conditions

7. Prior to the commencement of works, Engineering Plans must be submitted to and approved by Responsible Authority. The plans must include:

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- (a) Upgrade of Hutchinson Lane West with a 6.6m wide sealed carriageway and drainage up to the intersection with Robb Drive.
 - (b) All existing services, property accesses and trees with tree protection zone.
 - (c) Only two crossover is proposed for the entry and exit from the Hutchison Lane West
 - (d) Swale drain from the proposed Bypass channel Culvert to the Melbourne Lancefield road drainage.
8. At least 14 days prior to commencement of works, a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:
- (a) Name and contact details of appointed Civil Contractor and Superintendent.
 - (b) Existing condition survey of all existing assets including private properties
 - (c) Construction Management Plan
 - (d) Traffic Management Plan
 - (e) Environmental Management Plan
 - (f) Occupational Health & Safety and Job Safety Analysis Plans
 - (g) Council issued Asset Protection Permit
 - (h) Council approved Engineering Plans
- All works must be carried out generally in accordance with measures set out in the above documents approved by the Responsible Authority.
9. Prior to the commencement of use, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.
10. Stormwater runoff from all buildings and tanks must be dissipated as normal un-concentrated overland flow clear of all buildings and property boundaries.
11. The development is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).
12. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.
13. Prior to the commencement of works, an amended Stormwater Management Plan must be submitted to and be approved by the Responsible Authority. The amended plan must provide an assessment of:
- (a) Additional measures to ensure that the overall stormwater management system will meet current best practice performance objectives is

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- contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- (b) The capacity of existing culvert to service the development and works. Alternatively, the plan must specify mitigation works such that the development does not unreasonably exceed the capacity of the local drainage system.
 - (c) How the land including all buildings, open space and paved areas will be drained to the legal point of discharge for a 1 % AEP storm event so that there is no any detrimental effect on downstream.
14. The development works must be carried in a manner which is consistent with the recommendations set out in the approved Stormwater Management Plan to the satisfaction of the Responsible Authority.
15. Prior to the commencement of works, Engineering Plans must be submitted to and approved by Responsible Authority including payment of plan checking and supervision fees. The plans must include:
- (a) All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.
 - (b) Details of any cut and fill earthworks including retaining walls.
 - (c) Fully sealed pavements with table drains and edge strips where appropriate.
 - (d) Provision for all services and conduits (underground) including alignments and offsets.
 - (e) Provision of public street lighting and underground electricity supply within all streets and reserves where appropriate.
 - (f) Temporary turnaround areas within the site for waste collection vehicles at the temporary dead end of any road.
 - (g) Survey details of the canopy trunk location and size of trees to be retained and associated tree protection zone.
 - (h) Permanent survey marks, levelled to the Australian Height Datum and coordinated to the Australian Map Grid.
 - (i) A separate signage and line marking identifying the road layout, proposed signs, line marking, RRPMS and a sign schedule.
16. Before the use commences, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
 - (d) Drained and maintained;
 - (e) Line marked to indicate each car space and all access lanes;

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- (f) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.
17. A new vehicle crossing must be constructed in accordance with the Macedon Ranges Shire Council's standards. Crossings are to be a minimum of 10.0m from any intersection, 1.0m from any power pole, sign or service pit and an absolute minimum of 3.0m from any street tree. Crossings must be sealed when connecting to a sealed road.
18. The internal access driveway must be constructed to a sealed standard with appropriate drainage in accordance with plans to be submitted and approved by the Macedon Ranges Shire Council.
19. The applicant/owner shall restrict sediment discharges from any construction sites within the property in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).
20. The property must be adequately drained to the satisfaction of the Macedon Ranges Shire Council, to a legal point of discharge to be nominated by Council.
21. Prior to the commencement of works, an Asset Protection Permit must be obtained from Council for any of the following circumstances:
- (a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
 - (b) Occupying a road for works.
 - (c) Connecting any land to a stormwater drain.
 - (d) Opening, altering or repairing a road.
 - (e) Opening, altering or repairing a drain.
 - (f) Accessing a building site from a point other than a crossover.
22. External lighting sources and their intensity, location and containment, for purposes of safety and security, must be of a type that will not adversely affect the amenity of the neighbouring land or the locality due to unreasonable illuminance, glare or spill, to the satisfaction of the Responsible Authority.

Department of Transport Conditions

23. Prior to the use hereby approved by this permit commences:
- (a) A functional layout plan (FLP) undertaken by a pre-qualified consultant must be submitted and approved in writing by the Department of Transport (Head, Transport for Victoria).
 - (b) The FLP must be drawn to scaled and dimensioned to show (but not limited to) the following:
 - (i) A sealed basic left (BAL) turn treatment in accordance with Austroads (2017) Guide to Road Design Part 4, Figure A28;
 - (ii) Kerb and channel on both sides of Hutchinsons Lane West at the Melbourne-Lancefield Road intersection;

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- (iii) Guard rail alteration;
 - (iv) DDA compliant pedestrian crossings / laybacks on Hutchinsons Lane West (near the Melbourne-Lancefield Road intersection);
 - (v) The swept path analysis of the following simultaneous turning vehicles undertaking all turn movements to/from Hutchinsons Lane West (within their respective approach/departure lanes and no overlapping):
 - (1) A 14.5 metre length rigid bus (with 0.5 metre clearances on both sides of the vehicle); and
 - (2) A 19-metre length semi-trailer truck (without clearances).
 - (vi) All vegetation that is existing and proposed for removal; and
 - (vii) All existing and proposed relocated services, line marking, signage etc;
- (c) The following works must be completed to the satisfaction of and at no cost to VicRoads:
- (i) Construction of the sealed basic left (BAL) turn treatment;
 - (ii) Guard rail alterations;
 - (iii) All proposed line marking; and
 - (iv) Any required service relocation and vegetation removal.

Greater Western Water Conditions

24. The operator under this permit must enter into an Agreement with Greater Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Greater Western Water. The owner/applicant shall make a written request to Greater Western Water for the terms and conditions of the agreement.
25. Prior to entering into an Agreement with Greater Western Water for the provision of sewerage and water services, the developer must produce for approval by Greater Western Water an Integrated Water Management Plan (IWMP) that incorporates water efficiency measures and water-sensitive urban design techniques that reduce reliance on potable water by increasing utilisation of fit-for-purpose alternative water supplies.
26. The IWMP must set out outcomes that appropriately respond to the site and its context for integrated water management to the satisfaction of Greater Western Water. When approved by Greater Western Water, the IWMP must be endorsed and form part of the permit.

Expiry of Permit

27. This permit will expire if one of the following circumstances applies:
- (a) The development is not commenced within two years of the date of this permit.
 - (b) The development is not completed within four years of the date of this permit.
 - (c) The use is not commenced within two years of the completion of the development.

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The Responsible Authority may extend the periods referred to 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.

B) That Council:

1. Note that the application is subject to VCAT proceedings and that amended plans have been submitted for the VCAT proceedings; and
2. Authorise Council Officers to negotiate a suitable outcome and conditions as part of the VCAT proceeding to ensure approval of the application generally in accordance with the original and amended plans.

In Favour: Crs Mark Ridgeway, Dominic Bonanno, Geoff Neil, Janet Pearce and Bill West

Against: Crs Jennifer Anderson, Rob Guthrie and Anne Moore

CARRIED 5/3

No. 38/2021-22:	NOTICE OF MOTION - APPLICATION FOR PLANNING PERMIT PLN/2020/331 - USE AND DEVELOPMENT OF THE LAND FOR A RESIDENTIAL AGED CARE FACILITY - LOT 2 MELBOURNE LANCEFIELD ROAD, ROMSEY
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I, Councillor Anne Moore, give notice that at the next Meeting of Council to be held on 5 October 2021, I intend to move the following motion:

That Council determines that, had it decided the application, it would have refused the application on the following grounds:

- 1. The proposal is inappropriately located given its remoteness from services, transport and complementary land uses, contrary to clause 16.01-5S – Residential Aged Care Facilities and clause 21.04 – Settlement.**
- 2. The proposal inappropriately reduces the supply of land for rural living purposes, contrary to the purpose of the Rural Living Zone, clause 21.03 – Vision – Strategic Framework Plan, clause 21.04 – Settlement, and clause 21.07 – Natural Resource Management.**
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- 7. The proposal is inconsistent with Part 3AAB of the Planning and Environment Act 1987, the Macedon Ranges Statement of Planning Policy (MRSP), and Clause 51.07 of the Planning Scheme, as the proposal does not accord with established township boundaries.**
- 8. Notes the error in the table on Page 38 of the report to Council on 22 September 2021 which should read Clause 16.01-5S – Residential Aged Care Facilities**