

Minutes

**Planning Delegated Committee Meeting
Wednesday 11 October 2023 at 7pm
Held online and livestreamed at mrsc.vic.gov.au**



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1 ACKNOWLEDGEMENT OF COUNTRY

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, and present.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

2 RECORDING AND LIVESTREAMING OF THIS COMMITTEE MEETING

This meeting was 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

Cr Annette Death (Mayor), Cr Jennifer Anderson (Deputy Mayor), Cr Dominic Bonanno, Cr Rob Guthrie, Cr Geoff Neil, Cr Janet Pearce, Cr Mark Ridgeway, Cr Bill West.

IN ATTENDANCE

Bernie O'Sullivan (Chief Executive Officer), Awais Sadiq (Acting Manager Statutory Planning), Lucy Olson (Senior Governance Officer – Council Business), Andy Bhatia (Service Desk Officer)

4 APOLOGIES

Rebecca Stockfeld (Director Planning and Environment)

5 CONFLICTS OF INTEREST

Cr Anderson declared a general conflict in relation to item 9.2 due to a close association with one of the submitters.

Cr Pearce declared a general conflict in relation to item 9.2 due to a relationship with one of the submitters.

6 PURPOSE OF PLANNING DELEGATED COMMITTEE

Council established the Planning Delegated Committee to provide a regular forum for hearing from people who have made a submission to Council or who are an applicant or objector in relation to a planning permit application.

The Committee is authorised to determine statutory planning applications and Planning Scheme amendments only in relation to the Planning and Environment Act 1987. Its purpose is to hear from applicants/land owners and objectors/submitters on statutory and strategic planning matters, planning applications and to determine other planning matters.

7 ADOPTION OF MINUTES

Committee Resolution

Moved: Cr Mark Ridgeway
Seconded: Cr Bill West

That the Committee confirm the minutes of the Planning Delegated Committee of Macedon Ranges Shire Council held on Wednesday 13 September 2023, as circulated.

CARRIED

8 HEARING OF SUBMITTERS

Three (3) speakers addressed the Committee on PLN/2023/17 - use of the land for domestic animal husbandry (5 dogs) - 7 Regan Drive, Romsey.

- Danielle Lewis – Zoom
- Andy Pearce – Zoom
- Michelle Rovetto (applicant) – Zoom

One (1) speaker addressed the Committee on PLN/2023/4 - Lot 2 Weatherley Road Bolinda - use and development of the land for a dwelling and outbuilding.

- Stephen Bitmead (on behalf of the Applicant) – Zoom

One (1) speakers addressed the Committee on DP/2009/12/C - amendment to a development plan - 75 Willowbank Road, Gisborne.

- Fiona Slechten (on behalf of the Applicant) – Zoom

8.1 HEARING OF SUBMITTERS - PLN/2023/17 - USE OF THE LAND FOR DOMESTIC ANIMAL HUSBANDRY (5 DOGS) - 7 REGAN DRIVE ROMSEY

Committee Resolution

Moved: Cr Jennifer Anderson
Seconded: Cr Rob Guthrie

That the Committee:

1. **Notes the submissions received in relation to Planning Permit PLN/2023/17, Use of the land for Domestic Animal Husbandry; and**
2. **Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the next Planning Delegated Committee Meeting on 9 November 2023.**

CARRIED

8.2 HEARING OF SUBMITTERS - PLN/2023/4 - LOT 2 WEATHERLEY ROAD BOLINDA - USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND OUTBUILDING

Committee Resolution

Moved: Cr Geoff Neil
Seconded: Cr Mark Ridgeway

That the Committee:

- 1. Notes the submissions received in relation to Planning Permit PLN/2023/4 - Use and Development of the land for a Dwelling and Outbuilding; and**
- 2. Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the next Planning Delegated Committee Meeting on 9 November 2023.**

CARRIED

8.3 HEARING OF SUBMITTERS IN RELATION TO DP/2009/12/C - AMENDMENT TO A DEVELOPMENT PLAN - 75 WILLOWBANK ROAD GISBORNE

Committee Resolution

Moved: Cr Rob Guthrie
Seconded: Cr Dominic Bonanno

That the Committee:

- 1. Notes the submission received in relation to DP/2009/12/C; and**
- 2. Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the Planning Delegated Committee Meeting on 9 November 2023.**

CARRIED

9 REPORTS

9.1 PLN/2023/155 - 2076 THREE CHAIN ROAD, LANCEFIELD

Summary

The proposal is for the use and development of the land for a dwelling. The application did not provide a farm plan to demonstrate the need for a dwelling in association with an agricultural use.

The application was not advertised pursuant to Section 52 (1A) of the Planning and Environment Act 1987.

Key issues to be considered relate to the impact of the proposal on the agricultural land and the genuine need for a dwelling on the land given no agricultural use is proposed for the land.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered not appropriate. It is recommended that a Notice of Decision to Refuse to Grant a Permit be issued.

Recommendation

That the Committee issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application PLN/2023/155 at 2076 Three Chain Road, Lancefield on the following grounds:

- 1. The proposal does not provide adequate justification for a dwelling on the site for agricultural use.**
- 2. The proposal does not protect the agricultural land, contrary to Clause 02.03-4 (Natural Resource Management - Agriculture) of the Planning Policy Framework.**
- 3. The proposal will not result in agricultural use, contrary to Rural Framework Plan at Clause 02.04.**
- 4. The proposal will result in fragmentation of agricultural land and does not provide justification that the dwelling is required for agriculture, contrary to Clause 14.01 (Agriculture).**
- 5. The proposal will result in a rural residential development which would impact current and future agricultural and economic activities, contrary to Clauses 16.01-3S (Rural Residential Development) and 16.01-3L (Rural Residential Development – Macedon Ranges).**
- 6. The proposal will extend the fragmentation of existing farm land, removing land from agricultural use, adversely affecting adjoining and nearby land use, contrary to the purposes and decision guidelines of the Farming Zone**
- 7. The proposal does not support and encourage agricultural land use, contrary to Clause 51.07 (Macedon Ranges Statement of Planning Policy).**
- 8. The proposal does not constitute orderly planning of the area which contradicts the decision guidelines of Clause 65 of the Macedon Ranges Planning Scheme.**

Cr Bill West moved an alternative motion.

Committee Resolution

Moved: Cr Bill West
Seconded: Cr Geoff Neil

That the Committee resolve to issue a Planning Permit PLN/2023/155 – Use and Development of the Land for a Dwelling at 2076 Three Chain Road, Lancefield subject to the conditions below:

- 1. Before the commencement of the development, 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 plans submitted with the application but modified to show:
 - (a) Details of Colours and Materials;
(Darker muted tone)****
- 2. The use and development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
- 3. Before the development commences, the owner of the lot must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:
 - (a) No further subdivision of the land.**
 - (b) The Owner acknowledges and accepts that the possibility of nuisance from adjoining or nearby agricultural operations may occur. The possible off-site impacts include but are not limited to (dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin), from animal husbandry, animal waste, spraying, agricultural machinery use, pumps, trucks and associated hours of operation. In acknowledging the existence of the agricultural operations being conducted from adjoining or nearby land, the owner shall not make complaint against lawful agricultural activities on the adjoining or nearby land.****

An application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act prior to the commencement of the development.

The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

- 4. Prior to occupation of the dwelling, the following must be provided to the satisfaction of the responsible authority:
 - (a) Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.**
 - (b) The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.**
 - (c) The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.****

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5. At all times, all external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
 6. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the Responsible Authority.
 7. Prior to the occupation, the dwelling shall be fitted with a wastewater treatment and disposal system to a design approved by Council's Environmental Health Officer and such that all effluent is disposed of within the boundaries of the allotment.

A separate permit must be obtained from Council's Environmental Health Department prior to its installation.

8. 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 Council land to a stormwater drain;
 - (d) Opening, altering or repairing a Council road;
 - (e) Opening, altering or repairing a Council drain;
 - (f) Accessing a building site from a point other than a crossover;
 - (g) Construct/repair/widen/remove any crossover.
 9. Storm water runoff from the development must be dissipated as normal un-concentrated overland flow clear of property boundaries and buildings in adjacent properties.
 10. No polluted and/or sediment-laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the works to the satisfaction of the Responsible Authority.
 11. Prior to the commencement of use, the existing crossover must be upgraded within Three Chain Road for the development to the satisfaction of the Responsible Authority.
 12. Prior to the commencement of use, the driveway to the dwelling must be constructed to meet the following requirements to the satisfaction of the Responsible Authority:
 - (a) The driveway, including any waterway crossing, must be constructed to a standard so that it is accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - (b) The driveway must have a minimum trafficable width of 3.5m, be clear of encroachments 4 metres vertically and have no obstructions within 0.5m on either side of the formed width of the driveway.
 - (c) Curves must have a minimum inner radius of 10 metres.
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(d) The average grade must be no more than 1 in 7 with a maximum of no more than 1 in 5 for no more than 50 metres.

(e) Dips must have no more than a 1 in 8 entry and exit angle.

13. This permit will expire if one of the following circumstances applies:

(a) The development is not commenced within two (2) years of the date of this permit.

(b) The development is not completed within four (4) years of the date of this permit.

(c) The use is not commenced within two (2) years of the completion of the development.

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.

Permit notes

- Future owners of the land must be made aware of the existence of this permit.

CARRIED

9.2 PLN/2022/454 - 56 HOWEY STREET GISBORNE VIC 3437

Summary

The application seeks approval for the development of the subject site for six dwellings.

Key issues to be considered relate to the suitability of the site for increased density and infill development, and the design and layout of the proposed dwellings to demonstrate that amenity impacts on adjoining dwellings have been appropriately managed.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is found to be consistent with the objectives and provisions of the Planning Scheme.

At 8:26pm having previously declared a conflict of interest in relation to this item, Cr Anderson and Cr Pearce left the meeting.

Recommendation

That a Notice of Decision to Grant a Permit be issued for the development of six (6) dwellings at CA 9 Section 12 Township of Gisborne Parish of Gisborne, 56 Howey Street, Gisborne subject to the conditions outlined in Attachment 1.

Cr Rob Guthrie moved an alternative motion.

Committee Resolution

Moved: Cr Rob Guthrie

Seconded: Cr Bill West

That Committee issue a Notice of Decision to Refuse to Grant a Permit PLN/2022/454 for the Development of the Land for Six (6) Dwellings at 56 Howey Street Gisborne, on the following grounds:

1. The proposal will be inconsistent with the Statement of Planning Policy (SOPP) objectives in not providing an adequate response to townships' character or adequate housing diversity.
2. The proposal will be contrary to Clause 02.03-6 of the Municipal Planning Strategy of the Macedon Ranges Planning Scheme as it will be unable to provide for diverse and affordable housing in Gisborne Township which has capacity to accommodate growth.
3. The proposal will be contrary to Clause 15.01-2S of the Planning Policy Framework of the Macedon Ranges Planning Scheme as the proposed development will present an inappropriate built form density that will detrimentally impact the existing surrounding neighbourhood character.
4. The proposal will be contrary to Clause 15.01-5S and Clause 15.01-5L of the Planning Policy Framework of the Macedon Ranges Planning Scheme as it will detract from the existing and preferred character of the area.
5. The proposal will be contrary to Clause 16.01-2S of the Planning Policy Framework of the Macedon Ranges Planning Scheme as it will be unable to deliver more affordable housing closer to jobs, transport and services.
6. The proposal will be contrary to Clause 18.02-1S of the Planning Policy Framework of the Macedon Ranges Planning Scheme as it will not provide for adequate access in relation to footpath and pedestrian networks.
7. The proposal will be contrary to Clause 32.08 General Residential Zone of the Macedon Ranges Planning Scheme in not respecting the identified neighbourhood character.
8. The proposal will be contrary to Design and Development Overlay (Schedule 17) of the Macedon Ranges Planning Scheme as it will be unable to provide for a diversity of housing types and will not result in the protection and enhancement of the established semi-rural and village character of the residential area surrounding the Gisborne town centre.
9. The proposal will be contrary to following Standards under Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) of the Macedon Ranges Planning Scheme:
 - Cause 55.02-1 – Neighbourhood Character Objectives (Standard B1)
 - Clause 55.04-6 – Overlooking Objective (Standard B22)

CARRIED

The Meeting closed at 8:42pm.