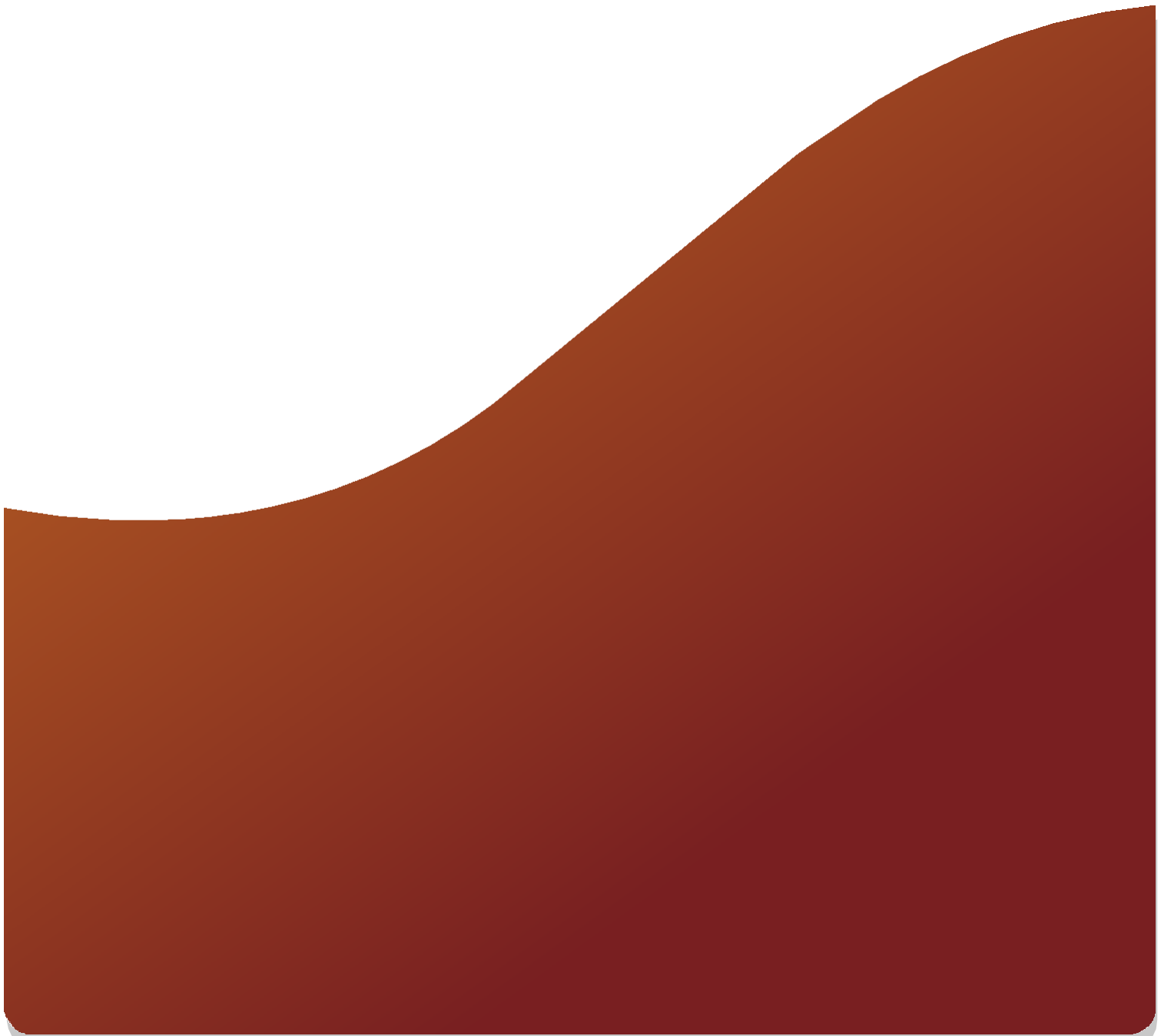


Minutes

**Planning Delegated Committee Meeting
Wednesday 10 November 2021 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne**



Order of business

1.	Acknowledgement of Country	3
2.	Recording and livestreaming of this Committee Meeting	3
3.	Present	3
4.	Apologies	3
5.	Declarations of conflicts of interest	3
6.	Purpose of Committee	3
7.	Adoption of Minutes	4
8.	Application for a Planning permit PLN/2020/497 – 286 Central Road, Tylden	5
9.	Application for a Planning permit PLN/2020/524 – 148 High Street, Kyneton	10
10.	Application for a Planning permit PLN/2020/496 – 64 Boundary Road, Woodend North	19

1. ACKNOWLEDGEMENT OF COUNTRY

Macedon Ranges Shire Council is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Countries. Council acknowledged that those who attended the meeting were gathered on their land. Council paid its respects to their Elders past, present and emerging and any Aboriginal and/or Torres Strait Islander People who may have been present.

2. RECORDING AND LIVE STREAMING OF THIS COMMITTEE MEETING

This meeting was in person and streamed live on the internet.

The meeting was recorded and made available on Council's website within 48 hours of the end of the meeting.

3. PRESENT

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

IN ATTENDANCE

Bernie O'Sullivan (Chief Executive Officer), Stephen Pykett (Acting Director Planning and Environment), Evert Grobbelaar (Manager Statutory Planning), Kate Young (Manager Legal and Corporate Governance), Allison Watt (Coordinator Governance), Christo Crafford (Coordinator Statutory Planning).

4. APOLOGIES

Cr Dominic Bonanno was an apology for the meeting.

5. CONFLICTS OF INTEREST

Nil.

6. PURPOSE OF THE COMMITTEE

The Planning Delegated Committee provides 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.

It is also 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

Resolution:

Moved: Cr Mark Ridgeway

Seconded: Cr Bill West

That the Committee confirms the minutes of the Planning Delegated Committee Meeting held on Wednesday 13 October 2021, as circulated.

CARRIED

**8. APPLICATION FOR A PLANNING PERMIT PLN/2020/497 – 286
Central Road, Tylden**

Purpose and overview

The application proposes to use the site for a meditation retreat centre, construct buildings and works to extend the existing dwelling and construct a new outbuilding, and display of 0.78m² sized business identification signage. A maximum of ten (10) patrons are proposed at the meditation centre at any one time, once a calendar month for a maximum of 8 hour duration.

The application was advertised with four (4) objections received.

Key issues to be considered in the assessment of this application relate to the impact of the proposal on noise and privacy of adjoining land owners/occupiers and alignment of the proposal with the purpose of the zone.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is considered appropriate. On balance, the use and development is responsive and consistent with objectives of the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zone, particular provisions and general provisions. It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

Recommendation

That the Planning Delegated Committee issue a Notice of Decision to Grant a Planning Permit for use and development of a Restricted Place of Assembly (meditation retreat centre) and business identification signage for the land at 286 Tylden Road, Tylden subject to the following conditions:

- 1. Before the use and development commences amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans and documentation must be generally in accordance with the plans submitted and assessed with the application but modified to show:**
 - a) Delinate a landscape strip buffer of suitable planting species along the existing southern domestic fenced boundary line with the objective to screen the approved outbuilding and extension to existing dwelling from public viewing.**

When approved, these plans will be endorsed and will form part of this permit.

- 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. Unless with the prior written consent from the Responsible Authority, the use hereby permitted must only operate as follows:**
 - a) One (1) day each calendar month**

- b) A maximum of eight (8) hour duration, closing at 6:00pm
 - c) A maximum of ten (10) patrons at any one time for the permitted use
 - d) No operation on public holidays
4. No amplified music may be played and/or activities performed outside the buildings dedicated to the use as shown on the endorsed plans.
 5. No music may be audible outside the permitted outbuilding dedicated to the use as shown the endorsed plans.
 6. Noise levels emanating from the premises must not exceed those required to be met under Environment Protection Regulations under the Environment Protection Act 2017.
 7. The use must not detrimentally affect the amenity of the neighbourhood, including through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 8. The permitted signage expires 15 years from the date of this permit.

MRSC Engineering Conditions

9. 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
10. Before the use commences and/or occupation of the development, 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) **Clearly marked to show the direction of traffic along access lanes and driveways;**
 - f) **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.**
11. **Prior to the commencement of use, the existing crossover must be sealed to Central Road to the satisfaction of the Responsible Authority.**
 12. **All stormwater discharging from the approved development must be discharged to any existing water tank, soak well or otherwise discharged so as not to cause erosion, flooding or nuisance to the subject or surrounding land to the satisfaction of the Responsible Authority**
 13. **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 development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority.**

Coliban Water conditions

14. **Prior to the commencement of the construction of buildings or other works, the status and capability of the existing wastewater system and disposal area to meet the needs of the proposed use must be assessed.**
15. **All wastewater must be must be disposed of via connection to the existing septic tank system which must be an EPA-approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice, Certificate of Approval and council-issued septic system permit. If necessary, the system must be upgraded to the satisfaction of council's Environmental Health Department.**
16. **The disposal area must be fenced for the prevention of trafficable access to the disposal area, which must be shown on the site plans that form part of the permit.**
17. **The wastewater treatment system and disposal area must be installed, and, at all times, must be operated and managed, in accordance with a council-issued septic tank permit.**

Permit Expiry

18. **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.**

Resolution

Moved Cr Guthrie
Seconded Cr Moore

That Council resolve to issue a notice of refusal for the planning permit application for the use and development of a Restricted Place of Assembly (meditation retreat centre) and business identification signage for the land at Lot 3 on PS 097145 P/Tylden, 286 Tylden Road, Tylden, on the following grounds:

- 1. The proposal is contrary to Clause 11 (Settlement) of the Macedon Ranges Planning Scheme by inappropriately locating a community facility outside a central location with other complementary commercial and community facilities.**
- 2. The proposal is contrary to the Clause 14.01 (Agriculture) and Clause 35.07 (Farming Zone) purpose of the Macedon Ranges Planning Scheme, by exacerbating the fragmentation of existing farming land and holdings and would result in the long-term or permanent removal of the land from meaningful productive agricultural use.**
- 3. The proposal is contrary to Clause 14.01 (Agriculture) and Clause 21.07-1 (Agriculture) of the Macedon Ranges Planning Scheme in converting productive agricultural land to a non-productive use that is not compatible nor related to the protection and enhancement of agricultural activities on the land and surrounding agricultural activities.**

- 4. The proposal would adversely affect agricultural activities and rural residential uses on the adjoining and nearby land that is used for agriculture.**

For: Crs Ridgeway, Pearce, Anderson, Guthrie, Death, Moore
Against: Crs West and Neil

CARRIED 6/2

**9. APPLICATION FOR A PLANNING PERMIT PLN/2020/524 –
148 High Street, Kyneton**

Purpose and overview

The application is for use and development of a place of worship and associated reduction in standard car parking requirements.

Key issues to be considered relate to the suitability of the land for the proposed use given its location in a residential area and potential neighbourhood amenity and traffic impacts.

Three objections were received relating to noise, car parking, traffic, hours of operation, loss of privacy and visual impact of the new building on the streetscape.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is considered appropriate. On balance it is considered that the use and development of a place of worship and associated reduction in standard car parking requirements is in keeping with the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zone, overlay, particular provisions and general provisions. It is recommended that the application be approved subject to conditions.

Recommendation

That the Planning Delegated Committee issue a Notice of Decision to Grant a Planning Permit for use and development of a place of worship and reduction in car parking requirement for the land at 148 High Street Kyneton subject to the following conditions:

- 1. The use and development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
- 2. Unless with the prior written consent from the Responsible Authority, the use hereby permitted may only operate between the following hours:**

Day / Service	Operating hours
Monday Prayer Meeting	6.30pm – 7.00pm
Friday Bible Teaching	6.30pm – 7.45pm
Sunday Communion Service	5.30am – 6.15am
Sunday Preaching	4.00pm – 5.00pm (once per month)

3. **Unless with the prior written consent from the Responsible Authority, the number of persons present on the property at any one time must not exceed the following to the satisfaction of the Responsible Authority:**
 - a) **Monday prayer meeting and Sunday communion service, as identified in condition 2: 50 people**
 - b) **All other times: 160 people**
4. **No sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.**
5. **Sunday communion services are not to include singing or music of any kind, whether amplified or unamplified, to the satisfaction of the Responsible Authority.**
6. **The premises is not to be available for public hire or bookings.**
7. **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.**
8. **All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.**
9. **All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.**
10. **Unless with the prior written consent of the Responsible Authority, before the use commences the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.**
11. **Prior to the commencement of the use a minimum of three (3) bicycle spaces must be provided on the subject land to the satisfaction of the Responsible Authority.**

MRSC Engineering Conditions

12. **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 vehicle crossing.**

13. Prior to the commencement of works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:

- a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures.**
- b) Dust control.**
- c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction.**
- d) Where access to the site for construction vehicle traffic will occur.**
- e) The location of any temporary buildings or yards.**

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

14. Prior to the commencement of the use, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.

15. 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;**
- 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.

16. The 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.

17. 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

18. The areas set aside for car parking and vehicle access ways must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
19. Prior to the commencement of use, the development is to be provided with a drainage system to a design approved by the Responsible Authority and such that:
- a) The development as a whole is provided with legal point/s of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.
 - b) Stormwater runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.
 - c) All stormwater drains required to the legal point of discharge and which pass through lands other than those within the boundaries of the development must be constructed at no cost to the Responsible Authority.
 - d) Details of stormwater detention system to ensure 10 year ARI post-development flows are restricted to pre-development level.
 - e) Stormwater quality treatment system that meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). Alternatively, payment of the stormwater quality offset contribution to the Responsible Authority.

Prior to the commencement of any works detailed construction plans for the above works must be submitted to and approved by the Responsible Authority.

20. The development is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).
21. 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 development 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.

Coliban Water Conditions

22. The owner is required to provide reticulated water and sewerage services to the development site and comply with any requirements arising from any effect of the proposed development on Coliban Water assets.
23. Services are to be provided in accordance with our specifications.

24. All Coliban Water assets within the development site, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.

25. Easements in favour of Coliban Region Water Corporation are required to be a minimum of 2.5 metres wide and if a shared easement the minimum width is 3.0 metres.

Expiry of Permit

26. 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.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Resolution:

Moved: Cr Ridgway
Seconded: Cr Neil

That Council issue a Notice of Decision to Grant a Planning Permit for use and development of a place of worship and reduction in car parking requirement for the land at 148 High Street Kyneton 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 application plans dated 11 May 2020 but modified to show:**
 - a) An additional car park within the south east corner of the site, taking the total number of car spaces to 36 spaces.**
- 2. Before the development commences the applicant must provide evidence that:**
 - a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 has been issued stating that an environmental audit is not required for the proposed use; or**
 - b) An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 has been issued stating that**

the land is suitable for the proposed use.

- 3. The use and development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
- 4. Unless with the prior written consent from the Responsible Authority, the use hereby permitted may only operate between the following hours**

Day / Service	Operating hours
Monday Prayer Meeting	6.30pm – 7.00pm
Friday Bible Teaching	6.30pm – 7.45pm
Sunday Communion Service	5.30am – 6.15am
Sunday Preaching	4.00pm – 5.00pm (once per month)

- 5. Unless with the prior written consent from the Responsible Authority, the number of persons present on the property at any one time must not exceed the following to the satisfaction of the Responsible Authority:**
 - a) Monday prayer meeting and Sunday communion service, as identified in condition 4: 50 people**
 - b) All other times: 121 people**
- 6. No sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.**
- 7. The premises is not to be available for public hire or bookings.**
- 8. 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.**
- 9. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.**
- 10. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.**
- 11. Unless with the prior written consent of the Responsible Authority, before the use commences the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.**

- 12. Prior to the commencement of the use a minimum of three (3) bicycle spaces must be provided on the subject land to the satisfaction of the Responsible Authority.**

MRSC Engineering Conditions

- 13. 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 vehicle crossing.**

- 14. Prior to the commencement of works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:**

- a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures.**
- b) Dust control.**
- c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction.**
- d) Where access to the site for construction vehicle traffic will occur.**
- e) The location of any temporary buildings or yards.**

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

- 15. Prior to the commencement of the use, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.**

- 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;
- 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. The 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 areas set aside for car parking and vehicle access ways must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
20. Prior to the commencement of use, the development is to be provided with a drainage system to a design approved by the Responsible Authority and such that:
 - a) The development as a whole is provided with legal point/s of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.
 - b) Stormwater runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.
 - c) All stormwater drains required to the legal point of discharge and which pass through lands other than those within the boundaries of the development must be constructed at no cost to the Responsible Authority.
 - d) Details of stormwater detention system to ensure 10 year ARI post- development flows are restricted to pre-development level.
 - e) Stormwater quality treatment system that meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). Alternatively, payment of the stormwater quality offset contribution to the Responsible Authority.

Prior to the commencement of any works detailed construction plans for the above works must be submitted to and approved by the Responsible Authority.

21. The development is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).

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 development 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.

Coliban Water Conditions

- 22. The owner is required to provide reticulated water and sewerage services to the development site and comply with any requirements arising from any effect of the proposed development on Coliban Water assets.**
- 23. Services are to be provided in accordance with our specifications.**
- 24. All Coliban Water assets within the development site, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.**
- 25. Easements in favour of Coliban Region Water Corporation are required to be a minimum of 2.5 metres wide and if a shared easement the minimum width is 3.0 metres.**

Expiry of Permit

- 26. This permit will expire if one of the following circumstances applies:**
- 27. The development is not commenced within two years of the date of this permit.**
- 28. The development is not completed within four years of the date of this permit.**
- 29. The use is not commenced within two 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 three months afterwards.

CARRIED

10. APPLICATION FOR A PLANNING PERMIT PLN/2020/496 – 64 BOUNDARY ROAD, WOODEND NORTH

Purpose and overview

The application proposes the use and development of the land for dog breeding.

The application was advertised and eight (8) objections were received. Key issues to be considered relate to the impact of the proposal on the amenity of the area, degradation of the environment, the appropriateness of the proposal in relation to the zone and the relevant provisions of Macedon Ranges Planning Scheme that seek to protect agricultural land.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered appropriate. It is recommended that a Notice of Decision to Grant a Permit be issued.

Resolution:

Moved Cr Neil
Seconded Cr Ridgeway

That Planning Delegated Committee issues a Notice of Decision to Grant a Permit for the Use And Development Of Land For Dog Breeding at CA 9 Section 1 P/Newham, 64 Boundary Road Woodend North subject to following conditions:

- 1. Before the commencement of the development, amended plans drawn to scale 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) A landscape plan providing for the establishment of planting for visual buffering of the approved facility must be submitted to and approved by the Responsible Authority. The landscaping plan must include a mix of locally indigenous trees, shrubs and other plants chosen from the Ecological Vegetation Class (EVC) for the site and including the use of advanced trees for expedient establishment of landscaping. The landscape plan must detail the species, location, number and pot size of plants as well as planting and ongoing maintenance details. The location of planting should also incorporate suitable spacing and separation from the approved facility to ensure compatibility with bushfire safety provisions.**
 - b) Replacement of roof and walls material to Colorbond in a darker muted tone colour;**
 - c) Environmental and Risk Management Plan in accordance with Condition 10 of this permit;**

- d) Increase of the internal floor area for pens to meet minimum standards as specified in Code of Practice for the Operation of Breeding and Rearing Businesses (2014);
- e) Land Management Plan in accordance with Condition 2 of this permit;
- f) An amended Acoustic report to incorporate the following:
 - i. Any changes required to the facility to comply with Condition 11 of this permit;
 - ii. Latest location and design of the dog breeding facility with associated day yards and to incorporate correct number of dogs.

All to the satisfaction of the Responsible Authority.

- 2. Before the use commences, a Land Management Plan shall be submitted to and approved by the Responsible Authority. The plan must show:
 - a) Any domestic garden zone;
 - b) Any effluent zone;
 - c) Areas where construction work is to occur and vegetation and soil disturbance may occur;
 - d) Areas where no construction work is to occur and vegetation destruction and soil disturbance is not to occur;
 - e) Erosion control;
 - f) Revegetation using species;
 - g) Measures to protect and enhance waterways;
 - h) Measures to protect and enhance remnant vegetation;
 - i) Measures to control noxious and environmental weeds;
 - j) Measures to control pest animals; and
 - k) Details of how fire safety issues will be addressed throughout the property.

The approved Land Management Plan must be carried out and completed to the satisfaction of the Responsible Authority.

- 3. The layout of the use and development on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 4. Unless with the prior written consent of the Responsible Authority, before the use commences, the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.
- 5. No exterior plant or equipment shall be placed on the roof of the approved building, unless with the prior written consent of the Responsible Authority.

6. **Goods and waste must not be stored or left exposed outside the building so as to be visible from any public view or thoroughfare.**
7. **Within fourteen (14) days of Commercial Breeder registration with Agriculture Victoria, evidence must be provided to the Responsible Authority.**
8. **Not more than a total of 40 dogs (including adults and puppies) as part of the breeding operation may be kept on the land at any one time. This total must include:**
 - a) **Not more than ten (10) fertile female adult dogs (over 12 months of age) may be kept, all of which must be registered with Dogs Victoria;**
 - b) **Not more than four (4) fertile male dogs (over 12 months of age) may be kept, all of which must be registered with Dogs Victoria;**
 - c) **The following additional requirements:**
 - i. **Not more than five (5) litters of puppies (up to 16 weeks of age) that must be registered as a litter with Dogs Victoria;**
 - ii. **Pet/companion dogs (even if de-sexed) are included in the total number of dogs permitted.**

This condition ceases to have effect upon the satisfaction of Condition 7 of this permit.

9. **Upon the registration of Commercial Breeder with Agriculture Victoria and satisfaction of Condition 7 of this permit, not more than a total of 50 dogs (including adults and puppies) as part of the breeding operation may be kept on the land at any one time. This total must include:**
 - a) **Not more than eighteen (18) fertile female adult dogs (over 12 months of age) may be kept, all of which must be registered with Dogs Victoria;**
 - b) **Not more than four (4) fertile male dogs (over 12 months of age) may be kept, all of which must be registered with Dogs Victoria;**
 - c) **The following additional requirements:**
 - i. **Not more than five (5) litters of puppies (up to 16 weeks of age) that must be registered as a litter with Dogs Victoria;**
 - ii. **Pet/companion dogs (even if de-sexed) are included in the total number of dogs permitted.**
10. **Before the commencement of the development, an Environmental and Risk Management Plan must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail:**

- a) **Waste management of both solid and liquid waste produced by the dogs and during the wash down and cleaning of kennels and other dog areas;**
- b) **Stormwater management to ensure no water contaminated with waste be discharged beyond the boundary of the premises;**
- c) **Noise control measures, including any sound proofing, fencing or management measures to ensure compliance with Condition 11;**
- d) **The permit holder or a nominated responsible person must be resident on the subject land and reasonably available 24 hours per day when dogs are present on the subject land;**
- e) **Continuous attendance of the permit holder or a nominated responsible person is required for the NIRV defined night period;**
- f) **Feeding times of the dogs consistent with Condition 12(e);**
- g) **Management measures regarding biosecurity, disease and animal welfare in accordance with relevant legislation and best practice standards including details of veterinary practitioner;**
- h) **Management of odour and dust on the site and measures to be implemented;**
- i) **Details of the fencing including permanent internal and external fencing and temporary fencing in association with dog runs/kennels building;**
- j) **An Emergency Management Plan which details the proposed response to any emergency, including but not limited to flooding or fire:**
 - i. **Details of short term emergency accommodation of dogs on-site due to temporary, limited loss of facilities;**
 - ii. **Plans for the longer term evacuation of the site including dog destinations, off-site evacuation facilities, means of transportation and dog welfare concerns;**
 - iii. **Measures to address complaints including:**
 - **Names and telephone numbers for out of hours contact;**
 - **A complaint resolution mechanism so that any concerns raised by the local community can be appropriately addressed.**

All details of the Environmental and Risk Management Plan must be to the satisfaction of the Responsible Authority. The recommendations of the plan are to be implemented to the satisfaction of the Responsible Authority.

11. **At all times the use must comply with Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826.2,**

Environment Protection Authority, March 2021) as amended from time to time, to the satisfaction of the Responsible Authority.

12. At all times during the operation of the Dog Breeding use hereby approved, the following requirements, to the satisfaction of the Responsible Authority, must be met:

- a) Access to dogs must be restricted solely to the permit holder, a veterinary surgeon, a member of the permit holder's family, a person over the age of 18 years entrusted with the care or effective control of the dogs ("a nominated responsible person", a current list of whom must be provided by the permit holder to the Responsible Authority, if the latter so requests), a person (which may be a member of the public) accompanied by the permit holder or a nominated responsible person, a person acting in an emergency, or a Council officer or other person on official business associated with the dogs;**
- b) The dogs must not be allowed within the subject land outside the enclosures shown on the endorsed plans unless on a leash or under the effective control of the permit holder or a nominated responsible person;**
- c) If any dogs escape, the permit holder or nominated responsible person must ensure that they are brought back to the subject land as soon as possible once the escape is known;**
- d) The permit holder or nominated responsible person must ensure that the dogs do not leave the subject land unless on a leash and/or in a vehicle from which they are unable to escape;**
- e) Unless with the prior written consent of the Responsible Authority, feeding of the dogs must only occur within the day time hours of 7:00 am to 6:00 pm and exercise or training of the dogs must only occur between the hours of 9.00 am and 5.30 pm, unless in unforeseen circumstances whereby the dogs would otherwise go unfed or exercised, to the satisfaction of the Responsible Authority. The permit holder or nominated responsible person must document any such unforeseen circumstances in writing, with times, dates and reasons;**
- f) Dog Breeding use with associated buildings and works must be maintained so that dogs are enclosed at all times and so that the use continues to visually screen stimuli such as other dogs, animals, traffic or passers-by;**
- g) All pens, cages and modules used to house dogs must be cleaned out at least once per day (or more often as required) by hosing or other appropriate means. Dog housing areas must not be allowed to remain wet if the dog is returned to the area. All faeces, used bedding, used litter and uneaten food must be removed prior to cleaning. Used litter and uneaten food must be placed in a waste disposal device. Waste disposal must be in accordance with the requirements of the appropriate statutory authority;**

- h) Exercise areas must be securely fenced and designed to prevent the escape of the dogs and the dogs must be monitored to ensure the dogs are not in danger of attack or other injury;**
 - i) Dog housing areas and holding facilities must not have gaps in the design that would allow a dog to protrude its head outside the housing area.**
- 13. Where external lighting is provided it must be fitted with suitable baffles and located so as to prevent the emission of direct light into adjoining properties or roadways to the satisfaction of the Responsible Authority.**
- 14. Dog food must be stored in vermin proof containers to the satisfaction of the Responsible Authority.**
- 15. All solid waste associated with the keeping of the dogs must be collected, stored, treated and disposed of to the satisfaction of the Responsible Authority. This includes the collection of waste from the kennels on a daily basis and disposal via an industrial Cleanaway bin (or similar) at least on a fortnightly basis. The dog pens and surrounding area must be kept in a clean and hygienic state, to the satisfaction of the Responsible Authority.**
- 16. There must be no discharge or seepage of waste or chemicals from the premises to the land or (including stormwater) environments, to the satisfaction of the Responsible Authority.**
- 17. The development and use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - a) Transport of materials, good or commodities to or from the land;**
 - b) Appearance of any building, works or materials;**
 - c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - d) Presence of vermin.****All to the satisfaction of Responsible Authority.**

MRSC Engineering Conditions

- 18. 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.**
 - g) **Construct/repair/widen/remove any crossover.**
19. **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 development works to the satisfaction of the Responsible Authority.**

MRSC Local Laws Conditions

20. **The owner/s must at all times fully comply with all relevant Victorian animal legislation including the Domestic Animals Act 1994, the Prevention of Cruelty to Animals Act 1986, subordinate Regulations and Codes of Practice of these Acts.**
21. **The owner/s must at all times comply with Macedon Ranges Shire Council Local Law No. 10.**
22. **All dogs at the premises must have current registration with the Macedon Ranges Shire Council.**
23. **The applicant must at all times hold a valid Dogs Victoria membership (suspension from Dogs Victoria (excluding showing and administrative offences) invalidates such membership) and must comply with Dogs Victoria’s Code of Practice (or equivalent).**

MRSC Health Condition

24. **The kennels should be constructed of materials appropriate to the minimisation/ reduction of noise and should be constructed to visually screen stimuli such as other dogs, traffic or passers-by.**

Goulburn-Murray Water Conditions

25. **All construction and ongoing activities must be in accordance with sediment control principles outlined in ‘Construction Techniques for Sediment Pollution Control’ (EPA, 1991).**
26. **No buildings or works may be erected or carried out within 30 metres of a waterway.**
27. **All wastewater from the dog breeding facility must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Conformity.**
28. **All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.**
29. **All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.**

- 30. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.**
- 31. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a minimum 22 dogs and puppies), including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land.**
- 32. The wastewater disposal area must be located at minimum setback distances of at least 100 metres from the nearest waterway and at least 60 metres from any dams and 20m from any bores.**
- 33. The dog breeding facility and new onsite wastewater management system must not encroach on the existing wastewater treatment system (servicing the dwelling) or disposal area or breach the minimum setback distances specified in the relevant EPA Code of Practice – Onsite Wastewater Management.**
- 34. Solid faecal waste must be collected from the pens/kennels and managed to the satisfaction of council's Environmental Health Department.**
- 35. Stormwater run-off from buildings (and other impervious surfaces such as dog pens) must be dissipated as normal unconcentrated overland flow or directed to a storage tank or dam.**

EPA Condition

- 36. There must be no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:**
 - a) The environment in the area around the premises.**
 - b) The wellbeing of persons and/or their property in the area around the premises.**

Permit Expiry

- 37. This permit will expire if one of the following circumstances applies:**
 - a) The development is not commenced within 2 years of the date of this permit.**
 - b) The development is not completed within 4 years of the date of this permit.**
 - c) The use is not commenced within 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

The meeting closed at 7.54pm.

**Councillor Jennifer Anderson
Mayor / Chairperson**