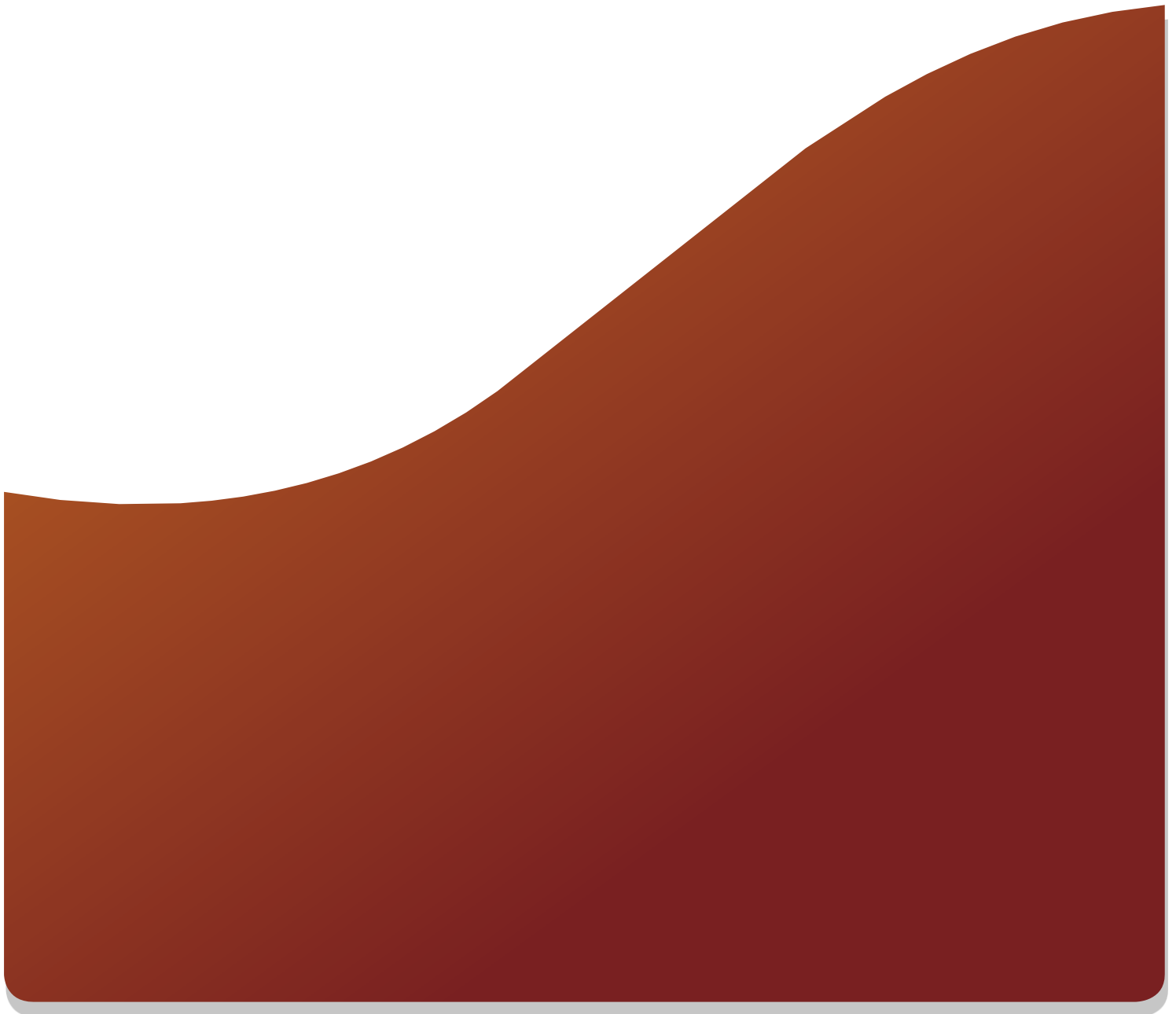


Minutes

**Planning Delegated Committee Meeting
Wednesday 14 June 2023 at 6pm
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 Anne Moore, Cr Geoff Neil, Cr Janet Pearce, Cr Mark Ridgeway, Cr Bill West

IN ATTENDANCE

Bernie O'Sullivan (Chief Executive Officer), Rebecca Stockfeld (Director Planning and Environment), Patricia Clive (Coordinator Governance), Lucy Olson (Senior Governance Officer – Council Business), Mwai Mashunga (Service Desk Officer)

4 APOLOGIES

Nil

5 CONFLICTS OF INTEREST

Nil

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 Jennifer Anderson
Seconded: Cr Rob Guthrie

That the Committee confirm the minutes of the Planning Delegated Committee of Macedon Ranges Shire Council held on 10 May 2023, as circulated.

CARRIED

8 REPORTS

8.1 PLN/2022/461 - LOT 1 GRADYS LANE

The application proposes the use and development of the land for a dwelling, development of two outbuildings (studio and storage shed), two (2) rainwater tanks (125,000 litres each), one (1) agricultural building and use of the land for horse husbandry (two (2) horses).

Key issues to be considered relate to the appropriateness of the proposal on this site in relation to the Kerrie Valley and its surrounds, purpose and decision guidelines of the zone, the capacity of the site to accommodate wastewater and any impacts on the water catchment and bushfire risk.

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 planning permit issue subject to conditions.

Recommendation

That the Committee support the Planning Permit Application PLN/2022/461 and a Notice of Decision to Grant a Permit be issued for the use and development of the land for a dwelling, development of two (2) outbuildings (studio and storage shed), two (2) rainwater tanks (125,000 litres each), one (1) agricultural building and use of the land for horse husbandry (two (2) horses) at LOT 1, TP681509, P/Kerrie Gradys Lane, Kerrie subject to the conditions outlined in Attachment 1.

Procedural Note:Cr Rob Guthrie moved an alternative motion.

Committee Recommendation

Moved: Cr Rob Guthrie
Seconded: Cr Anne Moore

That Committee resolve to issue a notice of decision to refuse to grant a permit for the use and development of the land for a dwelling, development of two (2) outbuildings (studio and storage shed), two (2) rainwater tanks (125,000 litres each), one (1) agricultural building and use of the land for horse husbandry (two (2) horses) at LOT 1, TP681509, P/Kerrie Gradys Lane, Kerrie, on the following grounds:

- 1. The proposal is contrary to Clause 14 and Clause 21.07-1 which relate to protection of agricultural land as it fails to demonstrate and provide adequate**

justification that the dwelling is required for sustainable agricultural and conservation pursuits.

2. The proposal is considered contrary to the provisions of the Clause 12.05 (Significant Environments and Landscapes) and Clause 21.05 (Environment and Landscape Values) as it will be unable to protect landscape by resulting in a dwelling with associated infrastructure.
3. The proposal is contrary to the purpose of the Rural Conservation Zone in relation to the protection and enhancement of the natural resources, biodiversity and landscape values of the area.
4. The proposal is contrary to the conservation values specified under Schedule 1 of the Rural Conservation Zone, as it will be unable to enhance the native vegetation and biodiversity of the area.
5. The proposal is inconsistent with Clause 42.03 Significant Landscape Overlay (Schedule 1), as it will be unable to preserve and enhance the significant landscape of the area.
6. It is noted that CFA did not object to the application however Clause 13.02 (Bushfire) of the Planning Scheme, prioritises the protection of human life over other provisions. In this instance, given no dwelling currently exists on the land; it is considered that the appropriate method to prioritise the protection of human life is not to support a dwelling on the land.
7. The proposal is inconsistent with Clause 53.02 (Bushfire Planning) of the Macedon Ranges Planning Scheme in terms of increasing risk to life and property due to bushfire by intensifying the residential density within the area which is subject to bushfire risk.
8. The proposal is inconsistent with Clause 14.02 (Water), Clause 21.07-3 (Water) and the purpose and provisions of the Environmental Significance Overlay (ESO5) which aims to protect and enhance the quality and supply of Proclaimed Water Catchments.
9. The proposal would be contrary to the objectives of the Statement of Planning Policy which aims to manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced. The proposed dwelling would result in adverse landscape impacts by its lack of response to the landscape character of the area.

In Favour: Crs Rob Guthrie and Anne Moore

Against: Crs Annette Death, Jennifer Anderson, Dominic Bonanno, Geoff Neil, Janet Pearce, Mark Ridgeway and Bill West

LOST 2/7

Procedural Note: Cr Geoff Neil moved an alternative motion.

Committee Resolution

Moved: Cr Geoff Neil

Seconded: Cr Mark Ridgeway

That the Committee support the Planning Permit Application PLN/2022/461 and a Notice of Decision to Grant a Permit be issued for the use and development of the land for a dwelling, development of two (2) outbuildings (studio and storage shed), two (2) rainwater tanks (125,000 litres each), one (1) agricultural building and use of

the land for horse husbandry (two (2) horses) at LOT 1, TP681509, P/Kerrie Gradys Lane, Kerrie subject to the conditions outlined in Attachment 1.

CARRIED

8.2 PLN/2022/376 - 1 THOM STREET

The application seeks approval for the development of the subject site for the purpose of two 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. It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

Committee Resolution

Moved: Cr Dominic Bonanno

Seconded: Cr Geoff Neil

That the Committee support the Planning Permit Application PLN/2022/376 and a Notice of Decision to Grant a Permit be issued for the development of two (2) dwellings at Lot 34, LP58762 1 Thom Street, New Gisborne subject to the conditions outlined in Attachment 1.

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

Against: Crs Rob Guthrie and Anne Moore

CARRIED 7/2

Procedural Note: At 6:37 pm, Cr Annette Death, Cr Janet Pearce and Bernie O'Sullivan (Chief Executive Officer) left the meeting and did not return. Deputy Mayor Jennifer Anderson assumed the Chair.

9 HEARING OF SUBMITTERS

Procedural Note: During the hearing of submitters at 7:15 pm, Cr Bill West left the meeting and returned at 7:16 pm.

Two speakers addressed the Committee on PLN/2022/384 - development of the land for ten (10) dwellings - 3 Somerville Lane, Riddells creek

- Judith Charlton – Zoom
- Robert Williams (on behalf of the Applicant) – Zoom

Sixteen speakers addressed the Committee on PLN/2022/388 - removal of vegetation 409 Cameron Drive, Mount Macedon

- Ben Gill – Zoom
- Ross Colliver – Zoom
- Lyn Hovey – Zoom

- Peter Davies – Zoom
 - Helen Radnedge – Zoom
 - Shauna-Marie Wilson – Zoom
 - Bruce Mildenhall – Zoom
 - Francis Donovan – Zoom
 - Angela Hesson – Zoom
 - Jake Yugovic – Zoom
 - Phil Severs – Zoom
 - Amanda Gauci – Zoom
 - Julie Macdonald – Zoom
 - Rose Harney (on behalf of Jelena Kalajdzic) – Zoom
 - Helen Van Den Berg – Zoom
 - Stuart Lardner (on behalf of the Applicant) – Zoom
-

MOTION

Committee Resolution

Moved: Cr Mark Ridgeway

Seconded: Cr Bill West

That the Committee extend the running time of the meeting for a period of 15minutes till 9:45pm.

CARRIED

Four speakers addressed the Committee on PLN/2013/144/A - change of use from dwelling to wellness centre/medical practice (amendment sought to include use for a place of assembly (function centre) and change of hours of operation) for Lot 2 on LP133259, 26 Marshall Avenue, Macedon.

- Glen Preema – Zoom
- Heidi Brundell – Zoom
- Kim Yoannidis – Zoom
- Susan Dean (Applicant) – Zoom

9.1 HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2022/384 - DEVELOPMENT OF THE LAND FOR TEN (10) DWELLINGS - 3 SOMERVILLE LANE, RIDDELLS CREEK

Committee Resolution

Moved: Cr Rob Guthrie

Seconded: Cr Mark Ridgeway

That the Committee:

1. **Notes the submissions received in relation to PLN/2022/384 – Development of the Land for Ten (10) Dwellings; 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 12 July 2023.

CARRIED

9.2 HEARING OF SUBMITTERS IN RESPECT OF AN APPLICATION FOR PLANNING PERMIT PLN/2022/388 - REMOVAL OF VEGETATION 409 CAMERON DRIVE, MOUNT MACEDON

Committee Recommendation

Moved: Cr Anne Moore

Seconded: Cr Geoff Neil

That the Committee:

1. Notes the submissions received in relation to Application for Planning Permit PLN/2022/388 – Vegetation Removal; and
2. Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the next Council Meeting on 28 June 2023.

Procedural Note: Cr Mark Ridgeway moved an amendment to the motion before the chair.

Amendment

Moved: Cr Mark Ridgeway

Seconded: Cr Rob Guthrie

That the Committee:

1. Notes the submissions received in relation to Application for Planning Permit PLN/2022/388 – Vegetation Removal; 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 12 July 2023.

CARRIED

Committee Resolution

Moved: Cr Anne Moore

Seconded: Cr Geoff Neil

That the Committee:

1. Notes the submissions received in relation to Application for Planning Permit PLN/2022/388 – Vegetation Removal; and
2. Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the next Council Meeting on 12 July 2023. carried

CARRIED

- 9.3 HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2013/144/A - CHANGE OF USE FROM DWELLING TO WELLNESS CENTRE/MEDICAL PRACTICE (AMENDMENT SOUGHT TO INCLUDE USE FOR A PLACE OF ASSEMBLY (FUNCTION CENTRE) AND CHANGE OF HOURS OF OPERATION) FOR LOT 2 ON LP133259, 26 MARSHALL AVENUE, MACEDON**

Committee Resolution

Moved: Cr Dominic Bonanno

Seconded: Cr Mark Ridgeway

That the Committee

- 1. Notes the submissions received in relation to PLN/2013/144/A - Change of Use from Dwelling to Wellness Centre/Medical Practice (Amendment sought to include Use for a Place of Assembly (function centre) and change of hours of operation); 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 12 July 2023;**

CARRIED

The Meeting closed at 9:41pm.