

Minutes

**Planning Delegated Committee Meeting
Wednesday 9 October 2024 at 7:00 PM
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 Janet Pearce (Deputy Mayor), Cr Jennifer Anderson, Cr Dominic Bonanno, Cr Rob Guthrie, Cr Geoff Neil, Cr Mark Ridgeway, Cr Christine Walker, Cr Bill West, Cr Rob Ball

IN ATTENDANCE

Bernie O'Sullivan (Chief Executive Officer), Rob Ball (Acting Director Planning and Environment), Lucy Olson (Senior Governance Officer - Council Business), Amila

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 Mark Ridgeway
Seconded: Cr Bill West

That the Committee confirm the minutes of the Planning Delegated Committee of Macedon Ranges Shire Council held on 11 September 2024, as circulated.

CARRIED

8 REPORTS

8.1 PLN/2023/333 - WALLS LANE, PIPERS CREEK VIC 3444

Summary

The application seeks approval for the use and development of a dwelling and associated outbuilding (shed).

The key issue for the proposal is whether the residential use meets the objectives of the Rural Conservation Zone which seeks to preserve and enhance the environmental values of the area. The application has not sufficiently demonstrated that the dwelling use is required to protect and enhance the environmental values, natural resources, biodiversity and landscape values of the area in any meaningful way. Further to this, no application has been made for the proposed agricultural land use (which requires planning permission under the zone) and existing use rights have not been established through the issuing of a Certificate of Compliance.

The proposed buildings and works associated with the dwelling are supported by the relevant policies. However, the proposal fails to provide adequate justification as to why the dwelling is required to undertake the land management practices proposed.

Recommendation

That the Committee issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application PLN/2023/333 at Walls Lane, Pipers Creek on the following grounds:

1. The proposal is contrary to the relevant planning policy objectives that seek to protect and enhance the natural environment including Clause 12 as it fails to conserve, protect or enhance the environmental values, natural resources, biodiversity and landscape values of the area in any meaningful way.
2. The proposal is contrary to the purpose of the Rural Conservation Zone as the Land Management Plan fails to demonstrate clear environmental outcomes related to the management and enhancement of existing landscape features. The proposal results in a rural-residential outcome that undermines conservation objectives.
3. The application proposes to use the land for an agricultural purpose (Horse husbandry) but has not sought planning permission for the agricultural land use.

Cr Geoff Neil moved an alternative motion.

Committee Resolution

Moved: Cr Geoff Neil
Seconded: Cr Mark Ridgeway

That the Committee resolve to issue a Planning Permit for the Use and Development of the Land for a Single Dwelling and Associated Outbuilding (Shed) at LOT 4 LP 112012 P/Carlsruhe Walls Lane, Pipers Creek VIC 3444 subject to the conditions below:

1. Before the use and development starts, 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) An amended site plan showing the following details in relation to on-site wastewater management:
 - (i) The location of the dwelling and outbuilding, with setbacks from two property boundaries as points of reference.
 - (ii) The location and dimensions of the disposal areas and septic tank.
 - (iii) Any recommendations for fencing for the prevention of trafficable access to the disposal area in accordance with the requirements of Condition 6 and 22.
 - (b) An amended Land Management Plan as follows:
 - (i) Removes all reference to the farming activity/agricultural land use (and any infrastructure associated with this), noting that this does not form part of this permit.
 - (ii) Provides an amended and detailed staging plan which achieves the following objectives:
 - Ensures that the land management/conservation and revegetation works are reasonably established on the site prior to the commencement of works for the dwelling, and then prior to occupation of the dwelling.
 - Includes all land management/conservation and revegetation works outlined within the Land management Plan including (but not limited to):
 - Revegetation within the Conservation zones,
 - Weed management.
 - Pest plants management.
 - Pest animal management.
 - Soil improvement/Erosion management.
 - Wildlife friendly fencing (consistent with the requirements of Condition 5).
 - Provides timeframes for all land management/conservation and revegetation works in relation to the following:
 - Prior to the commencement of construction of the dwelling.
 - Prior to occupancy of the dwelling.

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- Timeframes following occupancy of the dwelling (i.e. 1, 2, 5 years etc.)
 - Ongoing.
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. The outbuilding hereby approved shall only be used for purposes incidental to the residential use of the property and shall not be used for any commercial or industrial purposes or human habitation, to the satisfaction of the Responsible Authority.
 4. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.

MRSC Environment Unit

5. Prior to the commencement of works for the dwelling, all wildlife friendly fencing (must be stock proof) for the Conservation Zones must be installed and completed in accordance with the Land Management Plan prepared by Edwards Environmental, Version 4.0, July 2024 (or otherwise amended) at the cost of the owner to the satisfaction of the Responsible Authority. The wildlife friendly fencing should be as per the below requirements:
 - (a) A fence that allows animals to pass underneath, with a minimum space of 40cm between the ground and the bottom wire.
 - (b) A plain high-tensile fencing wire must be used. If barbed wire is used, avoid placing the wire on the top two or three strands of the fence or on the bottom wire. This will reduce the risks but not eliminate them.
 - (c) Keep the fence low with a maximum height of 1.2m. This will allow larger animals such as Kangaroos to easily pass over the top.
 - (d) Retrofit the existing fence with reflective materials such as CDS and aluminium plant tags. Alternatively add a white wire to the top. Place these items on the top wire to make it easier for wildlife to see.
 - (e) Retrofit the existing fencing with wildlife gates. Locate gates and openings where wildlife regularly pass through.

The wildlife friendly fencing must be constructed around conservation areas.

MRSC Engineering Unit

6. 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.
 7. Storm water runoff from the dwelling must be dissipated as normal un-concentrated overland flow clear of property boundaries and buildings in adjacent properties.
 8. Prior to the commencement of the use, the existing crossover within Walls Lane must be upgraded to gravel standards to the satisfaction of the Responsible Authority.
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9. Prior to the commencement of the 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.
 - (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.
 10. Prior to the commencement of use, potable water supply with a storage capacity of at least 10,000 litres must be provided to the dwelling for domestic use and firefighting purposes to the satisfaction of the Responsible Authority.

MRSC Health Unit

11. All sewage and sullage wastewater from the proposed development must be discharged into a new EPA approved on-site wastewater treatment system to the satisfaction of the Responsible Authority.
12. The wastewater disposal area must be located at least 100 metres from any potable waterways and 60 metres from any dams/non-potable waterways - these setbacks may be reduced by 50% if the effluent is treated to a secondary standard and a service contract is in place. Furthermore, the disposal area must be located 40 metres from any drainage lines and 20 metres from any bores.
13. The wastewater disposal area is to be free of stock, horses, buildings, driveways and service trenching (fencing around the disposal area is recommended).

Goulburn-Murray Water

14. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
 15. All wastewater from the dwelling must be treated and disposed of using an approved system. 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.
 16. The wastewater disposal area must be located at least: 100m from any waterways (including dams on a waterway), 40m from any drainage lines, 60m from any dams, and 20m from any bores.
 17. The wastewater disposal area must be kept free of stock, buildings, driveways, car parking and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. Unless wastewater disposal is by subsurface irrigation methods, a reserve
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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.

18. Stormwater run-off from buildings and other impervious surfaces must be dissipated as normal concentrated overland flow or directed to a storage tank or dam.
19. No buildings are to be located within 30m of any waterways or dams on waterways.

Coliban Water

20. Before the development starts the Land Management Plan- prepared by Edwards Environmental, Version 4.0, July 2024 (LMP) - must be approved and endorsed. Any subsequent changes to the LMP must be approved and endorsed.
21. Before the development starts the Land Capability Assessment (LCA) prepared by Edwards Environmental, Version 1.0, September 2023 - must be approved and endorsed. Any subsequent changes to the LCA must be approved and endorsed.
22. Disposal areas, and any recommendations for fencing or the prevention of trafficable access to the disposal area, which are set out in the approved Land Capability Assessment, must be shown on the site plans that form part of the permit.
23. Before the occupation of the dwelling takes place, the owner must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the Responsible Authority and Coliban Water. All costs associated with the preparation, negotiation, registration and enforcement of this agreement must be borne by the permit holder. The agreement must be registered on title and run with the land, and must provide, to the satisfaction of the Responsible Authority and Coliban Water, for the following:
 - (a) The onsite wastewater management system must be installed, operated, maintained and reported in accordance with the:
 - (i) EPA's guides – Guideline for onsite wastewater management (GOWM) (EPA, May 2024), and the Guideline for onsite wastewater effluent dispersal and recycling systems (GOWEDRS)(EPA, May 2024) (as updated or replaced), and
 - (ii) Land Capability Assessment (prepared by Edwards Environmental, Version 1.0, September 2023) (or as amended and approved).
 - (b) All recommendations, actions and timelines contained within the approved and endorsed Land Management Plan (LMP) prepared by Edwards Environmental, Version 4.0, September 2024 (or as amended and approved) must be followed and implemented to the satisfaction of Council.

Permit Expiry

24. 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.
- Please note that this permit does not include any approval for the use of the land for agriculture. Any agricultural land use would be subject to separate planning approval, or alternatively an existing use right being established through either a Certificate of Compliance application or declaration through the Victorian Civil and Administrative Tribunal (VCAT).
- An 'Application to install a septic tank' must be submitted to Council's Environmental Health Department to ensure the proposed wastewater treatment and disposal system is installed as per the Land Capability Assessment by Edwards Environmental P/L dated Sep 2023 and the EPA Code of Practice – Onsite Wastewater Management 891. 4 (2016).
- Prior to the commencement of works, an "Asset Protection Permit" must be obtained from Council for any of the following circumstances:
 - Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
 - Occupying a road for works.
 - Connecting any Council land to a stormwater drain.
 - Opening, altering or repairing a Council road.
 - Opening, altering or repairing a Council drain.
 - Accessing a building site from a point other than a crossover.
 - Construct/repair/widen/remove any crossover

CARRIED

The Meeting closed at 7:29pm.