

Minutes

**Planning Delegated Committee Meeting
Wednesday 11 May 2022 at 7pm
Held online and livestreamed at [mrsc.vic.gov.au](https://www.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 Jennifer Anderson (Mayor), Cr Rob Guthrie (Deputy Mayor), Cr Dominic Bonanno, Cr Annette Death, 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), Evert Grobbelaar (Manager Statutory Planning), Joe Spiteri (Senior Governance Consultant).

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 Rob Guthrie

That the Committee confirm the minutes of the Planning Delegated Committee of Macedon Ranges Shire Council held on 13 April 2022, as circulated.

CARRIED

8 HEARING OF SUBMITTERS**SUSPENSION OF STANDING ORDERS****Committee Resolution**

Moved: Cr Rob Guthrie
Seconded: Cr Mark Ridgeway

That Council suspend standing orders in order to hear from submitters on items on the agenda.

CARRIED

One submitter addressed the Committee on PLN/2021/309 - 55 Metcalfe Drive, Romsey:

- Janelle Jones (Owner)

Two submitters addressed the Committee on PLN/2021/512 - 377 Baynton Road, Kyneton:

- Kate Alder (Objector)
- Vinitha Pinto (Owner)

RESUMPTION OF STANDING ORDERS**Committee Resolution**

Moved: Cr Rob Guthrie
Seconded: Cr Annette Death

That Council resumes standing orders in order to consider the officer's recommendation on the item on the agenda.

CARRIED

8.1 HEARING OF SUBMITTERS - PLN/2021/309 - 55 METCALFE DRIVE, ROMSEY**Committee Resolution**

Moved: Cr Geoff Neil
Seconded: Cr Bill West

That the Committee:

- 1. Notes the submissions received in relation to PLN/2021/309 – Subdivision of the Land into Two Lots; 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 8 June 2022.**

CARRIED

8.2 HEARING OF SUBMITTERS - PLN/2021/512 - 377 BAYNTON ROAD, KYNETON

Committee Resolution

Moved: Cr Mark Ridgeway

Seconded: Cr Anne Moore

That the Committee

- 1. Notes the submissions received in relation to PLN/2021/512 – Use and development of the land for a dwelling, three agricultural buildings and a water tank; 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 8 June 2022.**

CARRIED

9 REPORTS

9.1 REQUEST TO THE MINISTER FOR PLANNING TO PREPARE AMENDMENT GC201

Summary

In Victoria, the Department of Environment, Land, Water and Planning (DELWP) issue planning certificates for all municipalities except Corangamite and Macedon Ranges shire councils on behalf of the Minister for Planning, as set out in the Schedule to Clause 72.01 of the Macedon Ranges Planning Scheme.

A planning scheme amendment is required to transfer the responsibility of issuing planning certificates from Macedon Ranges Shire Council to the Minister for Planning. DELWP staff have indicated that an amendment can be prepared on behalf of the two remaining shire councils (Macedon Ranges and Corangamite). The result of the amendment will be less administrative work for Council staff.

This report requests the Minister for Planning to prepare an Amendment GC201 to transfer the requirement to issue planning certificates to the Minister, in line with all other councils in Victoria.

It is understood the Minister for Planning will not seek public exhibition of the amendment.

Committee Resolution

Moved: Cr Janet Pearce

Seconded: Cr Geoff Neil

That the Planning Delegated Committee requests Council write to the Minister for Planning to request the preparation, adoption and approval of Amendment GC201 to the Macedon Ranges Planning Scheme to amend Schedule to Clause 72.01 so that the Minister for Planning is responsible for the issuing of planning certificates.

CARRIED

10 PLANNING MATTERS**10.1 FOR DECISION - PLN/2021/283 - 4 RICHARDSON STREET RIDDELLS CREEK****Summary**

The application proposes development of 11 single storey dwellings (comprising nine three-bedroom dwellings and two two-bedroom dwellings) on the subject land. The existing dwelling and outbuildings would be demolished with an extent of vegetation removal undertaken to accommodate the development. A centrally located driveway accessed via a single crossover point within the middle of the site frontage (Richardson Street) would provide vehicular access to the dwellings.

The application was advertised and 17 objections were received.

Key issues to be considered relate to neighbourhood character, density, amenity impacts, environmental impacts, and traffic/parking.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is considered appropriate. It is considered that the development is in keeping with the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zone, particular provisions and general provisions. It is recommended that the application be approved subject to the following conditions:

Recommendation

That the Committee:

Issue a Notice of Decision to Grant a Permit for the Development of 11 Dwellings at 4 Richardson Street, Riddells Creek, subject to the conditions below:

- 1. Before the development commences, amended plans 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 construction material and colours for sheds (external storage space);**
 - (b) Details for the location and construction of mail boxes adjacent to the front boundary of the site;**
 - (c) A landscape plan in accordance with condition 3;**
 - (d) The street tree planting details in accordance with MRSC Open Space & Recreation condition 6; and**
 - (e) A waste management plan in accordance with MRSC Waste Management condition 25.****
- 2. The 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, a copy of the landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:**

- (a) A survey of all existing vegetation and natural features;
 - (b) The area or areas set aside for landscaping;
 - (c) A schedule of all proposed trees, shrubs/small trees and ground cover, incorporating a minimum of 50% of locally indigenous native plant species;
 - (d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
 - (e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
 - (f) Appropriate irrigation systems; and
 - (g) The provision of canopy trees throughout the development as appropriate, including in the front setback area of the buildings.
4. Unless with the prior written consent of the Responsible Authority, before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.
 5. 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.

MRSC Open Space & Recreation Conditions

6. Prior to the issue of a Statement of Compliance (or Certificate of Occupation) a Streetscape Landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Streetscape Landscape plan is to be overlaid with the approved Civil Engineering plans to demonstrate coordination with proposed infrastructure and services and is to include:
 - (a) Two new street trees (minimum height 1.6m and 45 Litre pot) within the road reserve of Richardson Street.
 - (b) Tree species selection is to tie in with existing street character, be of a suitable mature size under powerlines, and be subject to the approval of the Responsible Authority.
 - (c) An advanced tree planting detail with a minimum 52 Greenwell Water savers and 3 hardwood stakes per tree.
7. The following notations to be added on the landscape plan:
 - (a) Contractors are to confirm the location of all underground services prior to commencement of any excavation.
 - (b) Tree planting is to occur between April & September to maximise establishment and survival.
 - (c) Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and 'as constructed' infrastructure.

- (d) Street tree locations are to be set-out and approved on site by the Council Landscape Officer in accordance with the Tree Management policy, prior to installation.

MRSC Environment Conditions

8. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on-site of all relevant permit conditions and associated statutory requirements or approvals.
9. Only vegetation outlined in the Arborist Report is to be removed/disturbed, as per the endorsed site plans provided to Council. No other vegetation (including trees, shrubs, grasses and herbs) shall be removed, damaged, destroyed, felled, lopped or uprooted unless with the prior written consent of the Responsible Authority.
10. All construction and maintenance equipment, earthmoving equipment and associated machinery must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority. This is to help prevent the spread of noxious weeds listed under the Catchment and Land Protection Act 1994.
11. A suitably qualified arborist must supervise or undertake all approved activity within the calculated TPZ of all trees to be retained. Any root severance within the TPZ must be undertaken to their satisfaction using a clean sharp and sterilised pruning saw. There must be no root pruning within the SRZ unless consent is received in writing by the Responsible Authority, and there must be no root pruning within the TPZ for works other than those endorsed by the Responsible Authority.
12. Any tree removal must be undertaken by a qualified arborist to the Australian Standard – *Pruning of Amenity Trees AS 4373-2007*.
13. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. The temporary vegetation fencing must be erected to the satisfaction of the Responsible Authority. This fence must be erected at:
 - (a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - (b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation;
 - (c) The tree protective fencing must be constructed of star pickets and Paraweb, or similar, to the satisfaction of the responsible authority. The protection fence must remain in place until all works are completed and must be erected around areas to be retained to protect surrounding vegetation. The tree protection fencing must form a visual and physical barrier and include signage clearly marked “Vegetation Protection Zone – No Entry” on all sides. Any trees, vegetation or waterways near the development site and/or construction areas must be included in the tree protection zone.

14. Unless with the prior written consent of the Responsible Authority, the following actions must not be undertaken in any Tree Protection Zone:
 - (a) Vehicular or pedestrian access;
 - (b) Materials or equipment storage;
 - (c) Attachment of any materials to trees (including temporary service wires, nails, screws or any other fixing device);
 - (d) Open cut trenching or excavation works (whether or not for laying of services);
 - (e) Changes to the soil grade level;
 - (f) Construction of entry and exit pits for underground services; or
 - (g) Any other actions or activities that may result in adverse impacts to retained native vegetation.
15. Prior to the trees removal, a DELWP qualified native fauna salvager must inspect all trees proposed for removal. All nesting sites must be assessed for fauna including any marsupials, birds, bats and mammals. If fauna is found, a relocation plan must be submitted to Council.

MRSC Engineering Conditions

16. Before the commencement of the approved development, 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.
17. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority.
18. Prior to the first occupation of the development, a drainage system to a design approved by the Responsible Authority must be provided, such that:
 - (a) The development as a whole is provided with legal points 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 are constructed at no cost to the Responsible Authority;

- (d) Details of stormwater detention system to ensure 10 year Annual Rainfall Index post-development flows are restricted to pre-development level;
 - (e) Objectives of the *Urban Stormwater – Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999) are satisfied. Alternatively, payment of the stormwater quality offset contribution to the Responsible Authority.
19. The development is to be constructed in accordance with Macedon Ranges Shire Council's Policy *Engineering Requirements for Infrastructure Construction* (June 2010).
20. Before the commencement of the approved development, 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 and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences;
 - (f) 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.
21. Before the first occupation of the approved 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) 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;
 - (g) 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.

22. Before the first occupation of the approved development, the proposed sealed vehicle crossing must be constructed within Richardson Street for the development to the satisfaction of the Responsible Authority.
23. Before the first occupation of the approved development, all redundant crossovers must be removed and nature strip reinstated to the satisfaction of the Responsible Authority.
24. At least 14 days prior to commencement of works, a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:
 - (a) Name and contact details of appointed Civil Contractor and Superintendent;
 - (b) Existing condition survey of all existing assets including private properties;
 - (c) Construction Management Plan;
 - (d) Traffic Management Plan;
 - (e) Environmental Management Plan;
 - (f) Occupational Health & Safety and Job Safety Analysis Plans;
 - (g) Council issued Asset Protection Permit;
 - (h) Council approved Engineering Plans;
 - All works must be carried out generally in accordance with measures set out in the above documents approved by the Responsible Authority.
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- MRSC Waste Management Condition
25. Before the commencement of the approved development, a waste management plan for kerbside collection requirements must be submitted to and approved by the Responsible Authority.

Expiry of Permit – Development of Land

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.

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.*

Cr Guthrie moved the following motion:

Committee Resolution

Moved: Cr Rob Guthrie
Seconded: Cr Annette Death

That Council issues a Notice of Refusal for the Development of 11 Dwellings at 4 Richardson Street, Riddells Creek on the following grounds:

- 1. The proposal is inconsistent with the Statement of Planning Policy (SOPP) objectives including:**
 - (a) not ensuring the declared area’s natural and cultural landscapes are conserved and enhanced;**
 - (b) not ensuring that the significant biodiversity, ecological and environmental values of the declared area are conserved and enhanced;**
 - (c) not prioritising the conservation and use of the declared area’s water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.**
- 2. The proposal is contrary to Clause 15.01-1S Planning Policy Framework of the Macedon Ranges Planning Scheme as it detracts from the existing and preferred neighbourhood character of the area.**
- 3. The proposal is contrary to Clause 15.01-5S and Clause 21.08-3 of the Planning and Local Policy Framework of the Macedon Ranges Planning Scheme as the density and scale of development do not meet the neighbourhood character of the area.**
- 4. The proposal is contrary to the objective of Clause 21.13-5 (Riddells Creek) and purpose of Clause 32.09 within the Neighbourhood Residential Zone (Schedule 8) as the density will result in a development that insufficiently responds to the semi-rural and village character of the Riddells Creek township.**
- 5. The proposal fails to satisfy the following standards contained within Clause 55 (Two or More Dwellings on a Lot) of the Macedon Ranges Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives:**
 - (a) Clause 55.02-1 (Neighbourhood Character objectives);**
 - (b) Clause 55.03-4 (Permeability and stormwater management objectives) as the proposal does not clearly demonstrate effective storm water management to be contained within the site;**
 - (c) Clause 55.06-4 (Site services objectives) as the development will result in an excessive number of refuse bins in the street on collection days.**

CARRIED

At his request it is noted that Cr Neil has voted against this motion.

The Meeting closed at 8.19pm.

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CHAIRPERSON