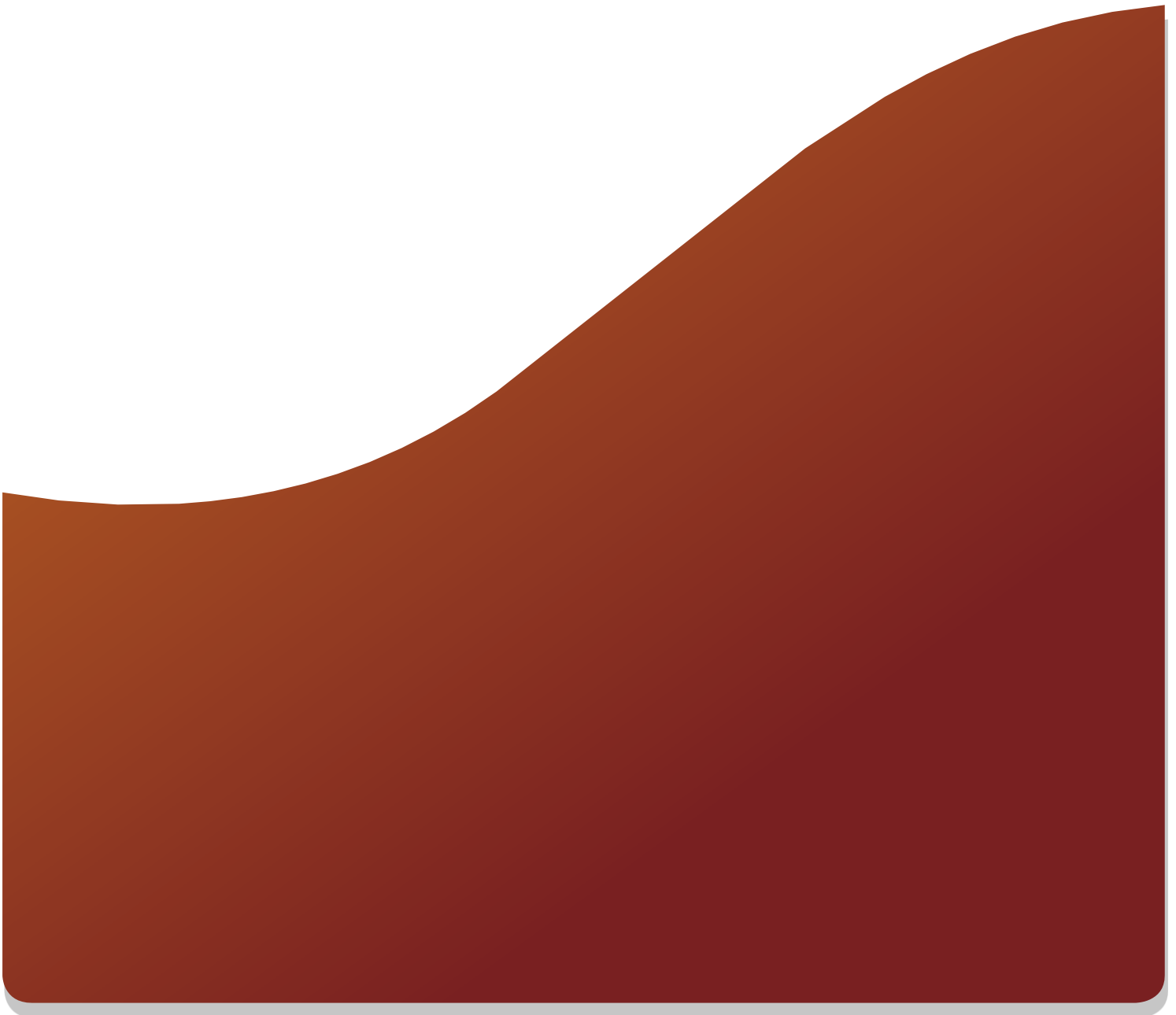


# Minutes

**Planning Delegated Committee Meeting  
Wednesday 12 April 2023 at 7pm  
Held online and livestreamed at [mrsc.vic.gov.au](https://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)

**4 APOLOGIES**

Nil

**5 CONFLICTS OF INTEREST**

Cr Ridgeway declared a general conflict in relation to item 8.1 due to an acquaintance with some of the objectors.

**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 Geoff Neil

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That the Committee confirm the minutes of the Planning Delegated Committee of Macedon Ranges Shire Council held on 9 March 2023, as circulated.

CARRIED

## 8 HEARING OF SUBMITTERS

Two speakers addressed the Committee on PLN/2022/421 - Sixty five (65) lot subdivision, native vegetation removal, and removal of easements E-1 and E-4 - 85 Harpers Lane, Kyneton.

Having previously declared a conflict of interest in relation to this item, Cr Ridgeway left the meeting at 7:04 pm.

At 7:20 pm, Cr Anne Moore left the meeting. At 7:21 pm, Cr Anne Moore returned to the meeting.

- Annalisa Clark (on behalf of Friends of Kyneton South) - Zoom
- Christos Kakris - Zoom
- Ruth Williams - Zoom
- Ian Williams (on behalf of Lynette Joy) - Zoom
- Peter Gait - Zoom
- Andrew Turner (on behalf of Clive Brooks) - Zoom
- Nicola Turner - Zoom
- Joyce Feitsma - Zoom
- Paul Tantis - Telephone
- Ross Closter (on behalf of applicant) - Zoom

### 8.1 HEARING OF SUBMITTERS - PLN/2022/421 - SIXTY FIVE (65) LOT SUBDIVISION, NATIVE VEGETATION REMOVAL, AND REMOVAL OF EASEMENTS E-1 AND E-4 - 85 HARPERS LANE, KYNETON

#### Committee Resolution

Moved: Cr Jennifer Anderson  
Seconded: Cr Janet Pearce

#### That the Committee:

1. Notes the submissions received in relation to Application for Planning Permit PLN/2022/421 for Sixty Five (65) Lot Subdivision, Native Vegetation Removal, and Removal of Easements E-1 and E-4; 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 10 May 2023.

CARRIED

At 8:11 pm, Cr Mark Ridgeway returned to the meeting.

## 9 REPORTS

### 9.1 REQUEST AUTHORISATION FOR A COMBINED PLANNING SCHEME AMENDMENT (C147MACR) AND PLANNING PERMIT APPLICATION PLN/2022/354 - BENETAS RETIREMENT VILLAGE, CORNER OF NEAL, ROBERTSON AND HAMILTON STREETS GISBORNE

#### Summary

Council has received a request from the owners of 5, 6 & 10 Neal Street, 80 Hamilton Street and 61 Robertson Street, Gisborne to rezone the part of land from the current Special Use Zone to the General Residential Zone and to remove the restrictive covenant that applies to the land.

The request also seeks a planning permit for the development of a retirement village, removal of native vegetation (one tree) and alterations to the access to a Transport Zone 2 (Principal road network). Section 96A of the *Planning and Environment Act 1987* provides the ability for a planning permit application to be considered concurrently with a planning scheme amendment.

#### Recommendation

##### That the Committee:

1. Requests the Minister for Planning authorise preparation of Planning Scheme Amendment C147macr and Planning Permit PLN/2022/354 to the Macedon Ranges Planning Scheme pursuant to Section 9 of the *Planning and Environment Act 1987*.
2. Authorises Council officers to prepare Amendment documents for authorisation and exhibition of Amendment C147macr and Planning Permit PLN/2022/354, and
  - (a) Upon receipt of authorisation from the Minister for Planning, make any changes necessary to comply with conditions of authorisation
  - (b) Upon satisfaction of any conditions of authorisation, exhibit Amendment C147macr pursuant to section 19 of the *Planning and Environment Act 1987*.

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**Procedural Note:** Cr Anne Moore moved an alternative motion.

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#### Committee Resolution

Moved: Cr Anne Moore  
Seconded: Cr Geoff Neil

##### That the Committee:

1. Defers the item until the Planning Delegated Committee meeting scheduled for 10 May 2023.

**CARRIED**

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## 9.2 REQUEST AUTHORISATION FOR A PLANNING SCHEME AMENDMENT C148MACR - AMESS ROAD PRECINCT STRUCTURE PLAN

### Summary

Council has received a request from the majority landowner of the Amess Road Urban Growth Zone precinct, to commence a planning scheme amendment process. The planning scheme amendment process will seek to incorporate the Amess Road Precinct Structure Plan, the Development Contributions Plan and make other associated changes to Macedon Ranges Planning Scheme to enable the development of the Amess Road precinct.

### Recommendation

#### That the Committee:

1. Notes the submission received containing 1231 signatures;
2. Requests the Minister for Planning Minister authorise preparation of Planning Scheme Amendment C148macr to the Macedon Ranges Planning Scheme pursuant to Section 9 of the *Planning and Environment Act 1987*; and
3. Authorises Council officers to prepare amendment documents for authorisation and exhibition of Amendment C148macr:
  - (a) Upon receipt of authorisation from the Minister for Planning, make any changes necessary to comply with conditions of authorisation; and
  - (b) Upon satisfaction of any conditions of authorisation, exhibit Amendment C148macr pursuant to section 19 of the *Planning and Environment Act 1987*.

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**Procedural Note:** Cr Geoff Neil moved an alternative motion.

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### Committee Resolution

Moved: Cr Geoff Neil  
Seconded: Cr Jennifer Anderson

#### That the Committee:

1. Notes the submission received containing 1231 signatures;
2. Resolves not to support requesting the Minister for Planning to authorise the preparation of Planning Scheme Amendment C148macr that seeks to implement the Amess Road Precinct Structure Plan into the Macedon Ranges Planning Scheme.

**CARRIED UNANIMOUSLY**

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**9.3 FOR DECISION - MISCELLANEOUS CONSENT MCA/2022/29 - DEVELOPMENT OF AN EFFLUENT DISPOSAL AND MINOR WORKS ASSOCIATED WITH THE DWELLING OUTSIDE THE BUILDING AND DRIVEWAY ENVELOPES - 12 CORNISH ROAD, RIDDELLS CREEK**

**Summary**

The proposed application is for the carrying out of works associated with the installation of an effluent disposal field and some minor buildings and works in association with the construction of a dwelling outside the building and driveway envelopes.

The application was advertised informally and one (1) objection has been received to date. The details of the objection are considered as part of this report.

The proposal was set to be decided at the 9<sup>th</sup> March 2023 Planning Delegated Committee, but was ultimately deferred from consideration at the 9<sup>th</sup> March 2023 Planning Delegated Committee due to the late submission of an amended plan to remove an outbuilding from the proposal.

The proposed item was intended to be decided at the 22<sup>nd</sup> March Council Meeting, but was deferred at the request of Council Officers to allow additional time to fully consider the merits of the proposed revised plans – in particular relating to the complex history of the site and previous approvals.

Key issues to be considered relate to the appropriateness of the proposal in relation to the Section 173 Agreement registered on the title, as well as considering whether or not consenting to the proposed works is contrary to the intent of the original Subdivision Approval considered under PLN/2016/137.

The application has been assessed against the requirements of the Section 173 Agreement and is not considered contrary to the intent of the Section 173 Agreement, and the original intent of the Subdivision approved under PLN/2016/137. It is recommended that the proposed Miscellaneous Consent be approved by Council, for the reasons discussed below.

**Committee Resolution**

Moved: Cr Geoff Neil  
Seconded: Cr Bill West

**That Committee issues Miscellaneous Consent for the development of an effluent disposal works and some minor works in association with the dwelling outside the building and driveway envelopes for the land at LOT 2 PS 830906U P/Kerrie 12 Cornish Road RIDDELLS CREEK VIC 3431.**

**CARRIED**

**The Meeting closed at 8:48pm.**