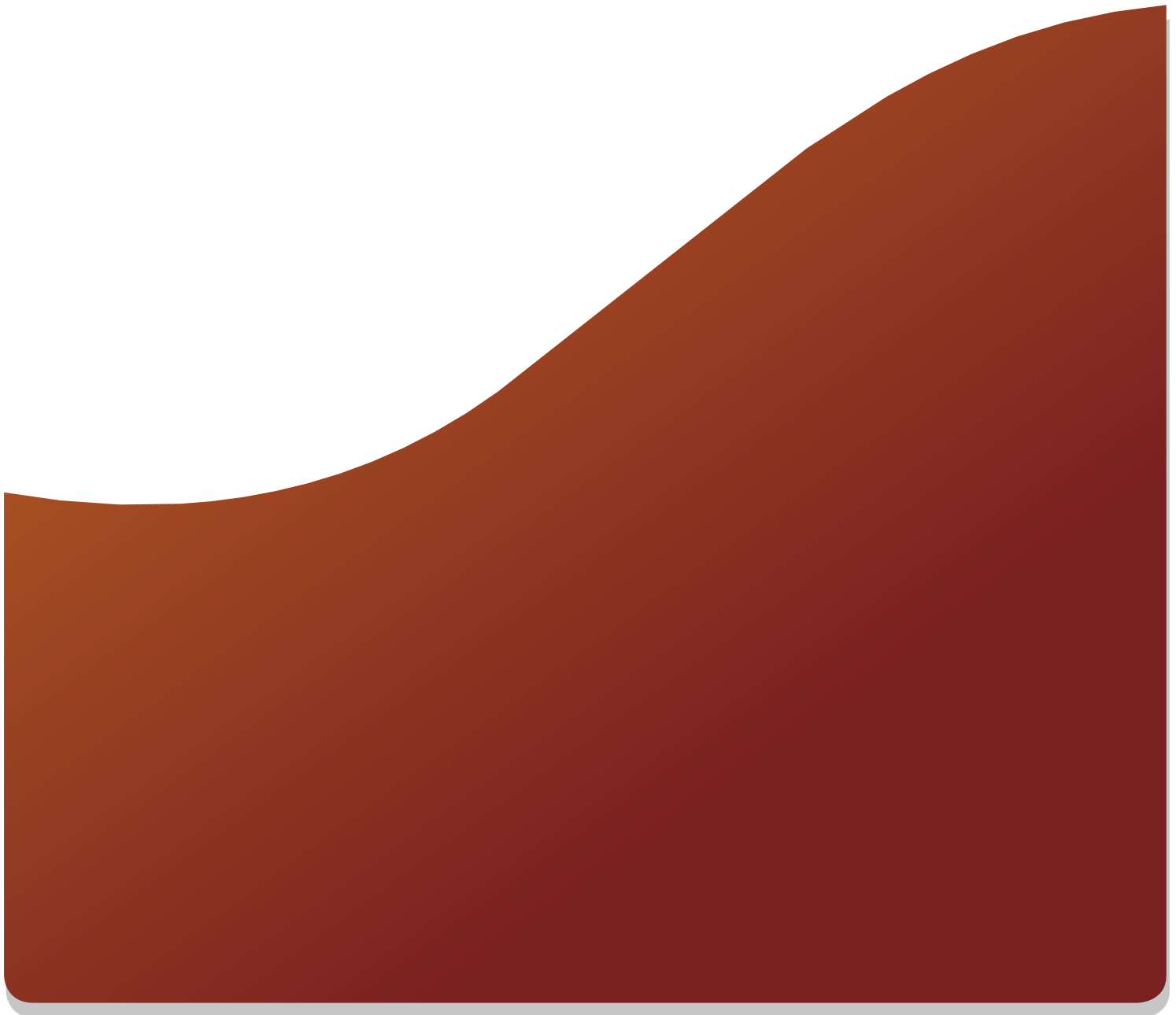


Minutes

Planning Delegated Committee Meeting
Wednesday 13 September 2023 at 7pm
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 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), Haneef Mohammed (Service Desk Officer)

4 APOLOGIES

Cr Mark Ridgeway

5 CONFLICTS OF INTEREST

Cr Anderson declared a general conflict in relation to item 8.2 due to a personal association with an objecting resident who would be directly impacted through the development.

Cr Pearce declared a general conflict in relation to item 8.2 due to a relationship to a submitter.

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 Rob Guthrie
Seconded: Cr Anne Moore

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

CARRIED

8 HEARING OF SUBMITTERS

Procedural note: Due to the late arrival of submitters the Committee heard from submitters on item 8.2 in advance of submitters on item 8.2.

Procedural note: Having previously declared a conflict of interest in relation to this item, Cr Anderson left the meeting at 7:06 pm.

Three (3) speakers addressed the Committee on PLN/2022/454 – 56 Howey Street Gisborne - Development of six (6) Dwellings.

- Anthony Hvala – Zoom
- Judith Tyers - Phone
- Andrew Ferris (Applicant) – Zoom

Procedural note: Cr Pearce joined meeting at 7:30pm. At 7:30 pm, Cr Jennifer Anderson returned to the meeting.

One (1) speaker addressed the Committee on PLN/2023/155 – 2076 Three Chain Road Lancefield - Use and Development of the Land for a Dwelling.

- Raymond Wittmer (Owner) - Phone

8.1 HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2023/155 - USE AND DEVELOPMENT OF THE LAND FOR A DWELLING - 2076 THREE CHAIN ROAD, LANCEFIELD**Committee Resolution**

Moved: Cr Geoff Neil
Seconded: Cr Bill West

That the Committee requests that recommendations be prepared, based on all relevant information, for consideration and determination at the next Planning Delegated Committee Meeting on 11 October 2023.

CARRIED

Procedural note: Having previously declared a conflict of interest in relation to this item, Cr Anderson and Cr Pearce left the meeting at 7:48 pm.

8.2 HEARING OF SUBMITTERS - PLN/2022/454 - DEVELOPMENT OF THE LAND FOR SIX (6) DWELLINGS - 56 HOWEY STREET GISBORNE**Committee Resolution**

Moved: Cr Rob Guthrie

Seconded: Cr Anne Moore

That the Committee:

1. **Notes the submissions received in relation to Planning Permit PLN/2022/454, development of land for six (6) 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 11 October 2023.**

CARRIED

Procedural note: At 7:49 pm, Cr Anderson and Cr Pearce returned to the meeting.

9 REPORTS**9.1 CONSIDERATION OF A PLANNING PANEL - AMENDMENT C153MACR AND PLN/2022/359 - 101-105 WILLOWBANK ROAD GISBORNE****Summary**

Planning Scheme Amendment C153macr (Amendment C153macr) is a proponent-led combined planning scheme amendment and permit application. Amendment C153macr is being progressed at the request of the landowner Brady Road Investments Pty Ltd, and is represented by Taylors Development Strategists.

Amendment C153macr proposes to rezone land located at 101-105 Willowbank Road Gisborne from General Residential Zone Schedule 1 to Commercial 1 Zone, introduce Design and Development Overlay Schedule 27 and vary the Restrictive Covenant PS549356W to allow for the development of a Local Activity Centre.

- Alongside the rezoning application, a planning permit application PLN/2022/359 seeks approval for: Buildings and works to construct a supermarket, medical centre, office and food and drink premises (two cafés); and
- A reduction in the number of car parking spaces from 61 to 57 spaces.

Amendment C153macr was formally exhibited from 8 May to 13 June 2023 and received 15 submissions.

The purpose of this report is for the Planning Delegated Committee to consider all submissions made to Amendment C153macr and referred to an independent Planning Panel.

Committee Resolution

Moved: Cr Anne Moore

Seconded: Cr Dominic Bonanno

That the Committee

1. Endorses the post-exhibition change to Planning Scheme Amendment C153 specifically the change to PLN/2022/359 and the Explanatory Report as set out in Attachment Two.
 2. Requests the Minister for Planning to appoint an independent Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider the submissions to Amendment C153 to the Macedon Ranges Planning Scheme.
 3. Refers all submissions to Amendment C153 to the Panel, in accordance with Section 23 of the *Planning and Environment Act 1987*.
 4. Notifies all submitters to Amendment C153 and PLN/2022/359 of Council's decision.
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CARRIED

9.2 PLN/2004/429/A - SERVICE ROAD BETWEEN AITKEN STREET AND HAMILTON STREET**Summary**

Planning Permit PLN/2004/429 was issued on 25 October 2004 allowing use of the land for the purpose of Farm Produce Market.

It is proposed to amend this planning permit to expand the area of operation, the permit preamble, and hours of operation.

The application was advertised and eight objections and forty four letters of support have been received to date.

Key issues to be considered relate to the impact of the proposal on the amenity of the surrounding area, economic development, and the traffic.

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 to Amend the Permit be issued.

Committee Recommendation

Moved: Cr Dominic Bonanno

Seconded: Cr Geoff Neil

That the Committee support the Planning Permit Application PLN/2004/429/A and a Notice of Decision to Grant to Amend a Permit be issued for Use of the Land for the Purpose of Market (Arts and Farm Produce) at Service Road between Aitken Street and Hamilton Street subject to the conditions outlined in Attachment 1.

Procedural note: Cr Anderson moved an amendment to the motion before the Chair.

Amendment

Moved: Cr Jennifer Anderson
Seconded: Cr Anne Moore

That the Committee support the Planning Permit Application PLN/2004/429/A and a Notice of Decision to Grant to Amend a Permit be issued for Use of the Land for the Purpose of Market (Arts and Farm Produce) at Service Road between Aitken Street and Hamilton Street subject to the conditions outlined in Attachment 1 with the following amendments:

- 1. Point 1(a) to read “Removal of the usage of 2-6 Hamilton Street for the purpose of market”;**
- 2. Addition of point 1(c) Annotation on the plan “18 Hamilton Street to be used in winter months only”;**
- 3. Addition of point 1(d) Annotation on the plan “12 Hamilton Street to be used for market office only on the day of the market”;**
- 4. Addition of point 3(d) On the market day, market area to be returned to normal by 4pm including the departure of all Stallholders; and**
- 5. Addition of new point 6 “Stallholders must not use any waste bins provided by the Council for disposal of any waste generated by the Stallholders and all such waste must be removed from the site at the end of each market to the satisfaction of the Responsible Authority” and all subsequent numbering to be updated.**

In Favour: Crs Annette Death, Jennifer Anderson, Rob Guthrie, Anne Moore, Janet Pearce and Bill West

Against: Crs Dominic Bonanno and Geoff Neil

CARRIED

Procedural note: At 8:21pm, Cr Pearce left the meeting and did not return.

Committee Resolution

Moved: Cr Dominic Bonanno
Seconded: Cr Geoff Neil

That the Committee support the Planning Permit Application PLN/2004/429/A and a Notice of Decision to Grant to Amend a Permit be issued for Use of the Land for the Purpose of Market (Arts and Farm Produce) at Service Road between Aitken Street and Hamilton Street subject to the conditions outlined in Attachment 1 with the following amendments:

- 1. Point 1(a) to read “Removal of the usage of 2-6 Hamilton Street for the purpose of market”;**
 - 2. Addition of point 1(c) Annotation on the plan “18 Hamilton Street to be used in winter months only”;**
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4. **Addition of point 3(d) On the market day, market area to be returned to normal by 4pm including the departure of all Stallholders; and**
 5. **Addition of new point 6 “Stallholders must not use any waste bins provided by the Council for disposal of any waste generated by the Stallholders and all such waste must be removed from the site at the end of each market to the satisfaction of the Responsible Authority” and all subsequent numbering to be updated.**

CARRIED

9.3 PLN/2022/417 - 41 HAMILTON STREET GISBORNE

Summary

Planning Permit Application PLN/2022/417 is subject to a Section 79 Appeal at VCAT, seeking a tribunal determination with respect to Council's Failure to Determine an Application within the prescribed time.

The application is for the use and development of the land for a Childcare Centre, partial demolition of the existing heritage building, and reduction of car parking.

The application was advertised and ten (10) objections have been received in response to the proposal.

Key issues to be considered relates to the appropriateness of the proposal and its interface with nearby residential areas, amenity and traffic impacts, heritage significance and whether or not a reduction of car parking is an appropriate outcome.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered to meet all the relevant provisions and objectives of the Scheme. Accordingly, it is recommended that Committee determine that had it decided the application, it would have issued a Notice of Decision to Grant a Permit subject to conditions.

Recommendation

That the Committee determine that had it decided on the application it would have supported the issuing of the Notice of Decision to Grant a Permit PLN/2022/417 for Partial Demolition, Use and Development of the Land for Childcare Centre and Reduction of nine (9) Car Parking spaces at 41 Hamilton Street, Gisborne subject to the conditions outlined in Attachment 1.

Procedural note: Cr Guthrie moved an alternative motion.

Procedural note: At 8:32 pm, Cr Moore left the meeting and returned at 8:33 pm.

Committee Resolution

Moved: Cr Rob Guthrie

Seconded: Cr Bill West

That the Committee determine that had it decided on the application it would have supported the issuing of the Notice of Decision to Refuse to Grant a Permit PLN/2022/417 for Partial Demolition, Use and Development of the Land for Childcare

Centre and Reduction of nine (9) Car Parking spaces at 41 Hamilton Street, Gisborne on the following grounds:

- 1. The proposal is contrary to Clause 13.05-1S (Noise Management) as it will be unable to assist in the management of noise effects on sensitive land uses (dwellings).**
- 2. The proposal is contrary to Clause 13.07-1S (Land use Compatibility) as it will be unable to protect community amenity and safety by facilitating a child care centre with potential adverse off-site impacts.**
- 3. The proposal is contrary to Clause 15.03-1S (Heritage Conservation) and Clause 43.01 (Heritage Overlay) as it will be unable to ensure the conservation of place of heritage significance by not providing a Conservation Management Plan.**
- 4. The proposal is contrary to the decision guideline under Clause 34.01 (Commercial 1 Zone) which relates to the impact of traffic generated on the roads.**
- 5. The proposal is contrary to the purpose of Clause 52.06 (Car Parking) as the reduction of car parking will adversely affect the amenity of the locality.**
- 6. The proposal is contrary to Clause 65.01 (Approval of an Application or Plan) as it will have impact on the amenity and the operation of the existing transport system in the area.**

CARRIED

9.4 DP/2022/3 WEDGE STREET KYNETON DEVELOPMENT PLAN

Summary

The application is for a development plan for land known as 88A-90 Wedge Street, Kyneton. The development plan proposes 18 lots and a reserve adjacent to Post Office Creek.

Committee Resolution

Moved: Cr Jennifer Anderson

Seconded: Cr Anne Moore

That the Committee defer the decision regarding Development Plan application DP/2022/3 at 88A-90 Wedge Street Kyneton to the 9 November 2023 Planning Delegated committee for a decision.

CARRIED

The Meeting closed at 8:35pm.