



Planning Delegated Committee Meeting Agenda

**Wednesday 13 October 2021 at 7pm
Held online and livestreamed at
mrrsc.vic.gov.au**

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1. ACKNOWLEDGEMENT OF COUNTRY

Macedon Ranges Shire Council is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Countries. Council acknowledges that those attending today's meeting are gathering on their land. Council pays its respects to their Elders past, present and emerging and any Aboriginal and/or Torres Strait Islander People who may be viewing this meeting

2. RECORDING AND LIVE STREAMING OF THIS COMMITTEE MEETING

This meeting will be held online and streamed live on the internet.

The meeting will be recorded. The recording will be available on Council's website within 48 hours of the end of the meeting.

3. PRESENT

4. APOLOGIES

5. DECLARATION OF CONFLICTS OF INTEREST

6. PURPOSE OF PLANNING DELEGATED COMMITTEE

The Planning Delegated Committee provides 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.

It is also 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

Planning Committee Meeting: **Wednesday 8 September 2021**

Recommendation:

That the minutes of the Planning Delegated Committee of the Macedon Ranges Shire Council held on Wednesday 8 September 2021 as circulated be confirmed.

8.	APPLICATION FOR PLANNING PERMIT PLN/2021/115 - Development of one (1) office and four (4) dwellings
	48 Brantome Street, Gisborne
Officer	Alexia Paterson – Senior Town Planner
Council Plan Relationship	Improve the built environment
Attachments	1. Statement of Planning Policy Assessment 2. Development Plans 3. Voluntary Development Plans 4. Locality Plan
Applicant	W B Jacobs
Date of Receipt of Application	23 March 2021
Trigger for Report to Council	Council call-in

Purpose and Overview

The subject site is located at 48 Brantome Street, Gisborne. The application proposes the construction of one (1) office and four (4) dwellings.

The application was advertised and two (2) objections were received.

Key issues to be considered in the assessment of this application relate to design response and impact on amenity of adjoining lots.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is considered appropriate. On balance, the development is in-keeping with the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zone, particular provisions and general provisions.

The application is subject to an appeal to the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the matter within statutory timeframe. Given this, Council cannot decide the application but rather, needs to determine its position on the application prior to the VCAT hearing. Officers consider the application to be appropriate and recommend that Council determines to support the application subject to conditions.

Recommendation

That Council determine that had it decided the application it would have issued a Notice of Decision to grant a permit for the development of one (1) office and four (4) dwellings for the land at Lot 1 on TP 372137F P/Gisborne 48 Brantome Street, Gisborne, subject to conditions:

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans**

must be generally in accordance with the plans submitted and assessed with the application but modified to show:

- a) Any modifications to the Floors and Elevations drawings consistent with the voluntary changes submitted to Council on 1 July 2021; and**
- b) A Landscape Plan in accordance with Condition 7.**

When approved, these plans will be endorsed and will form part of this permit.

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 3. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.**
- 4. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.**
- 5. The development must be provided with external lighting capable of illuminating access to the garage and rear areas for dwellings and office building. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.**
- 6. Prior to the occupation of the dwelling/s and office, all new boundary fencing as shown on the endorsed plans must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.**
- 7. Before the development starts, or any trees or vegetation removed, a revised landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The revised landscape plan must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:**
 - a) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;**
 - b) A least one planting of medium / large sized canopy tree (capable of achieving minimum of 4 metres in height) within the Secluded Private Open Space area of each dwelling;**
 - c) At least two plantings of medium / large sized canopy tree (capable of achieving minimum of 6 metres in height) within the front setback area of the Commercial Office building;**
 - d) The use of drought tolerant species; and**
 - e) Appropriate irrigation systems in communal areas.**
- 8. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.**

9. Prior to development commences, the owner must pay to Council a development contribution in accordance with the Gisborne and New Gisborne Development Contributions Schedule 2 incorporated in the Macedon Ranges Planning Scheme. The amount payable is calculated from a base figure from Development Contributions Plan Overlay schedule 2 Area 7 per 100sqm of gross commercial building area which is adjusted on 1 July each year in accordance with Schedule 2 of Clause 45.06 of the Macedon Ranges Planning Scheme.

Engineering conditions

10. Prior to the commencement of works, an “Asset Protection Permit” must be obtained from Council or 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 work
 - c) Connecting any land to a stormwater drain
 - d) Opening, altering or repairing a road
 - e) Opening, altering or repairing a drain.
 - f) Accessing a building site from a point other than a crossover
 - g) Construct/repair/widen/remove any crossover
11. 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.
12. Prior to the commencement of works, a Drainage System Plan including payment of plan checking and supervision fees paid, to be submitted to and approved by the Responsible Authority detailing:
- a) Legal point/s of discharge for the whole development as 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 must be constructed at no cost to the Responsible Authority.
 - d) Stormwater detention system to ensure 10 year ARI post-development flows are restricted to pre-development level.
 - e) Stormwater quality treatment system that meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). Alternatively, payment of the stormwater quality offset contribution to the Responsible Authority.
13. Before the occupation of the dwellings or office, 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;**

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.

- 14. **Prior to the occupation of development, the proposed vehicle crossing must be constructed within the Brantome Street for the development to the satisfaction of the Responsible Authority**
- 15. **Before the development commences, 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

- 16. **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.

- 17. **The development is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).**

Permit Expiry

18. This permit will expire if one of the following circumstances applies:

- a) The development does not start within two (2) years of the date of issue of this permit. or
- b) The development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires, or within six (6) months afterwards, the owner or occupier of the land may make a written request to the responsible authority to extend the expiry date.

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

Permit Notes:

- Future owners of the land must be made aware of the existence of this permit.
- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works

Existing conditions and relevant history

Subject land

The subject site is located on the west side of Brantome Street and is approximately 1018m² in size. The site is currently vacant but was recently occupied by a dwelling and associated outbuildings. The site is flat. An existing access way is located on the south eastern corner of the lot.

The site is one lot setback from the central commercial activity area of Gisborne Township and is covered by the Commercial 1 Zone (C1Z).

Surrounds

Immediately adjacent to the subject site is a well-established residential area within walking distance of the Gisborne Town Centre. Lots to the north, west and south have already been developed into multi-unit residential accommodation mostly adopting a single storey built form landscape. The lot directly to the north, at 46 Brantome Street, is occupied by low scale multi-units spanning across the full length of the site and is also covered by the Commercial Zone.

Areas beyond the subject lot to the south, east and west are earmarked for further medium density re-development as identified in the Gisborne/New Gisborne Framework Plan.

Registered restrictive covenants and/or Section 173 Agreements affecting the site

A current copy of title has been provided with the application which shows no Covenants, Section 173 Agreements or restrictions have been registered on the title to this property.

Previous planning permit history

No relevant planning permit history for the subject property has been found. **Proposal**

The proposal is for a mixed development with the following attributes:

One (1) Office:

- Fronting Brantome Street
- Two storey built form
- 84m² usable office space
- Three (3) car parking spaces (which is the full complement of car parking requirement)
- Front permeable timber picket fence.

Four (4) Dwellings:

- Tandem format behind Office building
- Two storey built form, semi attached at ground level.
- Each dwelling includes three (3) bedrooms and open plan living area
- Each dwelling as secluded open space located at ground level
- Maximum building height of 8 metres
- Design details is traditional village style with weatherboard exterior, pitched gable roof form, portrait style windows and metal roof.
- Two (2) car spaces for each dwelling. Full complement of car parking requirement is provided for each dwelling.

Relevant Macedon Ranges Planning Scheme controls

Planning Policy Framework

Clause No.	Clause name
11	Settlement
15	Built Environment and Heritage
16	Housing
17	Economic Development

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
21.02	Key Issues and Influences
21.03	Vision – Strategic Framework Plan
21.08	Built Environment and Heritage
21.09	Housing
21.10	Economic Development and Tourism
21.13-1	Local Areas and Small Settlements, Gisborne and New Gisborne

Zoning

Clause No.	Clause name
34.01	Commercial Zone – Schedule 1

Overlay

Clause No.	Clause name
45.06	Development Contribution Plan Overlay Schedule 2

Particular Provisions

Clause No.	Clause name
51.07	Statement of Planning Policy

52.06	Car parking
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General Provisions

Clause No.	Clause name
65	Decision Guidelines
66	Referral and Notice Provisions

Cultural Heritage Management Plan assessment

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	No
2	Does the application proposal include significant ground disturbance as defined in Part 1 Regulation 5 <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 <i>Aboriginal Heritage Regulations 2018</i> ?	No
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 <i>Aboriginal Heritage Regulations 2018</i> ?	Yes

Based on the above assessment, a Cultural Heritage Management Plan is not required in accordance with Part 2 Division 1 of Aboriginal Heritage Regulations 2018 as the subject site is not located within a Cultural Heritage Sensitivity area.

Referral

Authority (Section 55)	Response
Nil	Nil

Authority (Section 52)	Response
MRSC Engineering	No objection, subject to standard conditions, including drainage plan, and site and construction management plan.
MRSC Waste Management	No objection. Council waste management services can be accommodated in the same way as the arrangements for 46 Brantome Street.

Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by sending notices to the owners and occupiers of surrounding/adjoining land

and by requiring a notice to be erected on the land for a period of 14 days. Two (2) objections have been received to date.

These objections raised the following concerns:

- Overshadowing
- Impact of the development on drainage
- Loss of on-street parking.

Officer assessment

Planning Policy Framework

Planning policy promotes growth and development of settlements within Melbourne's peri urban areas, while maintaining their attractiveness and amenity on land which has been identified and zoned as appropriate for residential development.

Planning policy 11.03-3S aims to promote "*growth in peri-urban areas to protect and enhance their identified valued attributes*", which includes provision of development in established settlements that have capacity for growth having regard to complex ecosystems and landscapes of attractiveness. The land has been identified and zoned as appropriate for residential use and development.

Clause 15 - Built Environment and Heritage broadly emphasises the importance of creating quality environments that contribute positively to the local urban character and sense of place, and reflect the particular characteristics, aspirations and cultural identity of the community.

Clause 15.01-3S aims "*to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*" This policy requires (future) development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscaping and climate; and requires development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.

Clause 15.01-4 aims "*to improve community safety and encourage neighbourhood design that makes people feel safe*".

Clause 15.01-5S (Neighbourhood Character) is "*to recognise and protect cultural identity, neighbourhood character and sense of place.*" This Planning Policy seeks to provide a good quality urban environment and encourages adherence to good urban design principles in designing new development

Clause 16.01-1S promotes housing market that meets community needs.

Clause 16.01-2S objective is to locate new housing in designated locations that offer good access to jobs, services and transport.

Clause 16.01-3S objective is to provide for a range of housing types to meet diverse needs.

Clause 17.01-1S objective is to facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.

Clause 17.02-1S objective to encourage development that meets the community's needs for retail, entertainment, office and other commercial service, and to locate commercial facilities in existing or planned activity centres

Local Planning Policy Framework

The Municipal Strategic Statement (MSS Clause 21.02) identifies key issues facing this Shire including:

- *Enhanced housing diversity, affordability and proximity to town centre.*
- *Sustainable development encompassing water and energy use minimisation, as well as proximity to existing infrastructure and service.*
- *Create is a need to create local employment opportunities and reduce the reliance on commuting.*

The Municipal Strategic Statement (MSS Clause 21.04) aims to achieve various outcomes including:

- *Providing for a population increase across the Shire of 16,000 residents by 2036, with the majority of this growth within the larger settlements.*
- *Providing for development and growth within existing settlement boundaries and where adequate services are available.*
- *Ensuring that development is sustainable and respects character of towns and settlements.*

Clause 21.08-3 - Built Environment seeks *'to protect and enhance the existing character and form of the Shire's towns'*. This is done by ensuring that subdivision/development patterns and preferred neighbourhood character are respected, and that higher density development is directed as per town centre structure plans.

Clause 21.10 is a specific policy stating that improved commercial and industry services and facilities would be expected to lead to increased employment opportunities in growing towns. The following are key objectives and strategies in the clause:

Objectives

- *To increase local commercial and industrial employment opportunities within the Shire.*
- *To maintain the amenity of the areas interfacing with industrial and commercial uses and the quality of the rural environment.*

Strategies

- *Provide sufficient commercial and industrial land to enable an increase in job containment in the Shire and to facilitate economic development.*
- *Support the development of business clusters*
- *Provide sufficient commercial and industrial land to enable an increase in job containment in the Shire and to facilitate economic development.*
- *Ensure the treatment of industrial and commercial development interfaces and business operations appropriately respond to the reasonable amenity expectations of adjoining sensitive land uses.*

Clause 21.13-1 is a specific policy relating to Gisborne and contains the following objectives and strategies:

Objectives

- *To reinforce the key urban functions and role of Gisborne and New Gisborne as the major urban centre in the southern end of the Shire.*
- *To maintain Gisborne and New Gisborne as distinctive semi-rural settlements with clear limits to population and physical urban growth.*
- *To manage urban growth and development in Gisborne in a co-ordinated and environmentally sustainable manner that ensures Gisborne remains a semi-rural*

township that respects the established village character, natural setting, topography and view lines of the area.

Strategies

- *Balancing township growth and development densities against the community's desire to maintain the semi-rural and established village character of Gisborne and New Gisborne, whilst also providing for sustainable development in one of the Shire's major urban centres with good commercial and community services/facilities, and transport options.*
- *Encourage, in appropriate locations, medium density housing within 400 metres walking distance of the Gisborne town centre as designated on Gisborne / New Gisborne Framework Plan.*
- *Appropriate locations are those areas where slope and access to services are favourable for medium density development and where such development is compatible with established landscape and township character, and places of heritage significance.*

The proposal supports improvements to the built form environment, increasing housing stock and diversity with access to an activity centre and employment hub. Located within a commercial area interfacing an existing residential area, the design and layout of the proposed development provides a good response to the site context, is sympathetic to neighbourhood character and the semi-rural nature of Gisborne.

Residents of the new dwellings would have access to services including, daily essential shopping, medical, public open space, community facilities and education facilities. For the commercial component to the application, the proposal strengthens the economic resilience of Gisborne's major commercial area by increasing diverse commercial offerings. The introduction of a new stand-alone commercial office space offers a point of difference to the commercial office space sector in Gisborne and being located in proximity to residential land improves access opportunities for local residents to obtain local employment/jobs.

The proposal is an appropriate intensification of residential development in a well-established surrounding residential area. The built form, siting and massing adequately responds to the site context and surrounds by incorporating double storey scale with setbacks from all property boundary sides, perimeter landscaping provision and several visual breaks by detachment of upper floors.

The siting and massing of the development is appropriate with the existing pattern of development which has occurred in the immediate and wider area. Off-setting the development from title boundaries ensure the rhythm of the streetscape and internal street block built form pattern is not disrupted nor inconsistent.

In terms of design detailing the use of trimmed window treatments, expressed eaves and porches integrated juliet-balconies, coupled with gable roof profiles, fret work, horizontal weatherboard cladding across both office and dwellings, offers visual cohesion and respectfully references the detail features of Gisborne's township village character theme.

The commercial building and associated office use are complementary and sensitive to the adjoining residential development and use providing a balance of amenity expectations between the Commercial Zone and General Residential Zone.

COMMERCIAL ZONE

The subject site is covered by Commercial Zone (C1Z). The purpose of this zone is to create vibrant mixed use commercial centres for retail, office, business, entertainment and

community uses, and to provide for residential uses at densities complementary to the role and scale of the commercial centre.

In deciding on the application, the following guidelines must be taken into consideration:

General

The Municipal Planning Strategy and the Planning Policy Framework.

The proposal is supported by the planning policy that advocates for economic development. The proposal offers a good example of small and flexible business venue that would contribute to strengthening Gisborne's commercial sector, local employment and economies of scale.

The proposal is supported by planning policy that advocates sustainable housing in well-serviced areas. The infill residential development paired with commercial development within commercial zone sites is a common and well-practiced example of sustainable design principles by encouraging living in proximity to daily commercial needs, and accessible local employment which reduces the need for a car dependent lifestyle.

The interface with adjoining zones, especially the relationship with residential areas.

The majority of the development is dedicated to residential living and interfaces well, in both use and development with the surrounding residential area. Adopting suitable setbacks from all property boundaries and incorporating a high level of articulation across the development coupled with use of varied materials and muted colours, creates visual interest and reduces visual bulk. Retention of an on-site tree located to the far south-west corner and landscaping provisions around the entire perimeter of the site, secures the sought after urban 'green' environment and is an important aspect to the proposal's integration to the site and surrounding residential areas.

Building and works

The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.

Adequate vehicle and pedestrian links are provided to maintain appropriate pedestrian and traffic movement.

The single access point and wide internal access way allows suitable emergency access onsite and from the streetscape.

Council's Engineering and Waste Management Units have raised no concerns with the proposed waste collection arrangements for the site. A similar waste collection method could be employed as that used at No. 46 Brantome Street, also a multi-unit development.

The provision of car parking

A full complement of on-site car parking will be provided and the existing crossover is to be utilised with a minor upgrade to suit endorsed MRSC Engineering standards. There will be no impact to existing street trees, road reserve blue stone garden or street car parking as result of this application.

The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.

The office building is designed to integrate with the predominately residential character of the street. Fronting the Brantome streetscape, positive street activation is evident by clear pedestrian access, use of glazing across both floors and an expressed frontage balcony at first floor level. The building is setback in line with adjoining neighbouring setbacks in-keeping the streetscape rhythm. Landscape provisions along the frontage comprising several small canopy trees are to contribute to improving Gisborne’s urban ‘green’ environment. The proposed low open styled permeable timber picket front fence ties the front boundary treatment with the streetscape’s notable property front fence characteristic. Both the landscaping and low open style fence will provide a residential feel and soft frontage presentation.

The new dwellings provide a suitable contribution to the residential area, tucked behind the commercial building. The built form style and layout is respectful to the existing building pattern and style in the wider area. The design is orientated to avoid any direct views into and from the proposed new dwellings. The private open spaces at ground level are oriented as best possible to avoid overlooking into the neighbouring open spaces. The visual mass and bulk of the dwellings are broken by articulation in the elevations. Other design features, such as window treatments, breaks in wall planes, setbacks and general surface treatment invite visual interest around the buildings.

Through permit conditions, external lighting to the access way, rear Dwelling private spaces and Office buildings are to be baffled to reduce impact.

The storage of rubbish and materials for recycling. Defining the responsibility for the maintenance of buildings, landscaping and paved areas.

Both the Office and Dwellings are afforded individual on-site bin storage areas, concealed from the streetscape. The development layout clearly articulates common and private landscaping areas. Each building is clearly defined and capable of future subdivision.

RESPONSE TO OBJECTIONS

Objection	Officer Response
Overshadowing – western adjoining neighbour secluded private open space.	<p>The advertised development plans propose a minor non-compliance to the numerical standards around overshadowing of adjoining properties.</p> <p>The Applicant submitted amended development plans on 1 July 2021 showing a minor change to the Dwelling 4 roof line to achieve full compliance with Overshadowing standard.</p> <p>Amended development plans to be validated via Condition 1 to ensure compliance.</p>
Drainage – water following onto my property	Council is aware of existing drainage issues in the area. These existing issues exist independent of the development (or otherwise) of the subject site. It is anticipated that Council will undertake necessary works in the area to deal with these existing issues.

	A condition of any planning permit that is issued will require the proposed development to cater for its own drainage, without increasing the impact of it on adjoining properties.
On-street parking	<p>No on-site car parking will be lost as a result of this development.</p> <p>There may be an increased demand for on-street parking, however the proposed development provides car parking spaces on the subject site in compliance with the Planning Scheme.</p>

DEVELOPER CONTRIBUTION PLAN - SCHEDULE 2

The subject site is covered by Development Contribution Overlay Schedule 2, which affects Gisborne and New Gisborne. This Overlay divides the Gisborne area into 15 catchments, with an associated contribution fee for each catchment. The subject site is located in No. 7 catchment area.

The Schedule requires a contribution fee to be paid upon subdivision of new residential lots. As subdivision is not proposed as part of this application, it is not recommended that this fee be required as a condition of any planning permit for this ‘development’ application. Development contributions payment should be required as part of any future subdivision application for this site.

The Schedule requires a contribution fee to be paid per ‘per 100 sqm gross floor area’ for commercial development. The development contribution is to be levied via condition on permit for the commercial component on this application.

CLAUSE 51.07 – STATEMENT OF PLANNING POLICY

Section 46AZK of the Planning and Environment Act 1987 and Clause 51.07 require Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers. The proposal in general complies with the Statement of Planning Policy and the application will meet the objectives and strategies specified in the policy. See separate assessment document against relevant Statement of Planning Policy objectives.

CLAUSE 52.06 CARPARKING

The proposal provides car parking as set out in the table below:

	Requires	Provides
Four (4 x three-bedroom)	8	8
Office 3.5 to each 100sqm of net floor area	3	3
Visitor Parking	0	0
Total	11	11

The design of car spaces and access ways generally complies with the requirements of Clause 52.06 - Car Parking having regard to the dimensions of the garages and car spaces; access design; safety and urban design and landscaping.

CLAUSE 55

The proposal is considered to be generally compliant with the provision of Clause 55. The following non-compliance is identified, together with the officer's assessment of it.

Standard	Officer Assessment
Clause 55.04-5 Overshadowing open space objective (Standard 21)	Dwelling 4 roof line imposes additional overshadowing beyond numerical standard. Applicant acknowledges error and submitted voluntary set of development, illustrating a minor adjustment to Dwelling 4 to achieve full compliance. Voluntary drawings to be formalised under Condition 1 of any permit granted.

Officer declaration of conflict of interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

The application has been assessed against the relevant provisions of the PPF, LPPF and the relevant Particular and General Provisions of the Macedon Ranges Planning Scheme and is found to exhibit a design response that is aligned with objectives and strategies of sustainable development within a supported growth township. The proposal supports an improvement to the built form environment, increases housing stock and diversity within a well-serviced area and reinforces commercial offerings for a resilient economy. The positive design detailing and layout is contextually responsive to the site, streetscape and adjoining residential zone. In light of the above, it is considered that the proposal should be supported, subject to conditions.

9. HEARING OF SUBMITTERS

For the purpose of hearing from those making submissions, the Planning Delegated Committee may suspend standing orders for the purposes of allowing a member of the public to address the meeting.

In accordance with the Planning Committee Guidelines, each speaker will be allocated a maximum of three (3) minutes to speak to their submission.

In the case of joint submissions, a maximum of three (3) minutes will be allocated per submission, up to a maximum of nine (9) minutes, and one person should be nominated to speak on behalf of the submitters.

- 9.1 Hearing of submitters in relation to DP/2020/2 – Lancefield Development Plan Area 1 – Part 1**
- 9.2 Hearing of submitters in relation to planning permit PLN/2020/497 – 286 Central Road, Tylden**
- 9.3 Hearing of submitters in relation to planning permit PLN/2020/524 – 148 High Street, Kyneton**
- 9.4 Hearing of submitters in relation to planning permit PLN/2020/496 – 64 Boundary Road, Woodend North**

10.	APPLICATION FOR THE APPROVAL OF A DEVELOPMENT PLAN DP/2020/2.
	LANCEFIELD DEVELOPMENT PLAN AREA 1 – PART 1.
Officer	Jack Wiltshire – Strategic Planner
Attachment/s	Submission/s received

Purpose and Overview

To hear from submitters in relation to application DP/2020/2 which seeks the approval of Part 1 of a Development Plan for Area 1 under the Development Plan Overlay Schedule 24 (DPO24) for the land at 128 and 132 High Street and 69 Park Street, Lancefield.

Recommendation

- 1. That the Submitters Committee note the submissions received in relation to an application to approve a development plan DP/2020/2 – Lancefield Development Plan Area 1 – Part 1.**
- 2. That recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the Scheduled Council Meeting on 27 October 2021.**

Background

Application DP/2020/2 seeks the approval of Part 1 of a Development Plan for Area 1 under the Development Plan Overlay Schedule 24 (DPO24) for the land at 128 and 132 High Street and 69 Park Street, Lancefield.

Adjoining and surrounding landholders and occupiers were informed of the application from 19 August 2021 to 2 September 2021. One (1) submission has been received.

Key issues raised by the submission relate to the double storey height, traffic outcomes, lot density/outcomes and impact on the character of the area in general and amenity concerns from the proposal.

Summary of Proposal

The development plan proposes the following for the development plan:

- 128 High Street** – A two stage subdivision creating 4 lots in the first stage and 6 lots in the second stage. An access off High Street will be created running north-south to create a future connection to the land to the north. The High Street fronting lots will range between 739m² and 1290m². The internal lots under stage 2 will range between 990m² and 1167m².
- 132 High Street** – A two stage subdivision creating 2 lots in stage 1 and 3 lots in stage 2. Stage 1 lots will be 748m² and 1320m² in area. Stage 2 lots will be 1112m², 1112m² and 1130m² respectively.
- 69 Park Street** – A five stage subdivision creating a total of 19 lots ranging between 2000m² up to 2689m². The subdivision would create an internal road off Park Street which will run internally and connect to land to the south and west. A

drainage reserve would also be created on the corner of Showlers Lane and Park Street.

Planning Permit Trigger/s

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay.

The development plan may consist of plans or other documents and may with the agreement of the responsible authority, be prepared and implemented in stages.

The development plan may be amended to the satisfaction of the responsible authority

Application DP/2020/2 seeks the approval of the Lancefield Development Plan Area 1 – Part 1 Plan, so that a subsequent planning permit may be granted to allow for development.

Summary of Submissions

One (1) submission was received to this application. It is summarised as follows:

Submission number	Objection/concern regarding application
1	Concerns regarding traffic outcomes, lot density and impact on neighbourhood character. Requests single storey outcome and landscaping along High Street to screen development.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

11.	APPLICATION FOR A PLANNING PERMIT PLN/2020/497 - Use and development of the Land for a Restricted Place of Assembly (Meditation Retreat Centre) and associated signage.
Officer	286 Central Road, Tylden Alexia Paterson, Senior Statutory Planner
Attachments	Submissions received

Purpose and Overview

To hear from submitters in relation to Planning Application PLN/2020/497 regarding the proposal of an application for use and development of the land for a Restricted Place of Assembly (Meditation Retreat Centre) and associated signage at 286 Central Road, Tylden.

Recommendation

- 1. That the Planning Delegated Committee note the submissions received in relation to Planning Application PLN/2020/497 for the use and development of the land for a Restricted Place of Assembly (Meditation Retreat Centre and associated signage); and**
- 2. 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 November 2021.**

Background

The subject site is located on the west side of Central Road, Tylden on land covered by the Farming Zone and Environmental Significance Overlay Schedule 4. The land has a flat topography and established connection to reticulated sewerage and drainage infrastructure.

The site operates with farming activities as the primary use, with a dwelling as a secondary use. The site contains an existing dwelling and several ancillary outbuildings clustered towards the front half the property. An existing access way is located along the northern property title boundary via Central Road, with mature vegetation along this boundary. The residual part of the land is largely grassland, although the rear quarter of the lot is a dedicated tree plantation. The grassland area between the dwelling and tree plantation is used for grazing sheep and the like.

The immediately surrounding area to the north and east are similar in attributes to the subject site being occupied by dwellings and outbuildings with small scale farming activities. To the south and east, lots are notably larger and used more productively for agriculture activities with ancillary dwellings and outbuildings.

The street block, whilst covered by a farming zone, comprises small to medium sized allotments with residential dwellings less than 100 metres apart not in the same ownership. The subject site's dwelling is approximately 85 metres setback to its closest neighbouring dwelling to the north.

In 2016, Planning Permit PLN/2015/403 was issued for the *Use of land as a Place of Assembly (Meditation Retreat Centre) and development including an extension to the main dwelling, habitable outbuilding, conversion of three outbuildings to meeting/storage areas, and advertising signage*. It was permitted to operate every Sunday with maximum 50 people and 3 times a year with maximum of 80 people. Existing outbuildings to the north were to form part of the use. While the use of the land did commence, ultimately this planning permit expired because the (allowed) buildings and works were not commenced.

Summary of Proposal

The proposed Use includes the following:

- The Restricted Place of Assembly to operate within an extended section of the existing dwelling building and new habitable outbuilding only.
- Maximum 10 patrons at any one time, for a total of 8 hours duration (closing at 6pm), for one (1) day per calendar month.
- Eight (8) on-site car parking spaces as well as one (1) additional accessible on-site car parking space provided.

The proposed Development includes the following:

- Extension to existing building to incorporate: a kitchen, bathrooms and storage dedicated to the Use.
- Convert existing garage to a prayer room.
- Construction of an outbuilding with a total area of 77.9m² and total height of 4.80m. It will be clad externally with weatherboard walls, Colorbond roofing and adoption of a white and cream colour palette.
- Business signage with a total size of 1.2m² (0.8m x 1.5m), located at front entrance access way.

Planning Permit Trigger/s

Clause No	Details
35.07	A permit is required for Section 2 use - Farming Zone
35.07	A permit is required for building and works or carry out works associated with Section 2 - Farming Zone
35.07	A permit is required for display a business sign - Farming Zone

Summary of Submissions

Four (4) objections were received to this application. They are summarised as follows:

- Inconsistent with the zone purpose
- Noise impacts would be disrupting to neighbouring livestock
- Increase traffic – difficult to move stock between land adjacent
- Devaluation of property
- Loss of privacy
- Compromised security
- Increase fire risk
- New outbuilding and associated noise too close to property boundary – frighten animals, may cause death
- Past and current behaviour on general management of the land, particularly during fire season

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

12.	APPLICATION FOR A PLANNING PERMIT PLN/2020/524
	148 High Street, Kyneton
Officer	Christo Crafford, Coordinator Statutory Planning
Attachments	Submissions received

Purpose and Overview

To hear from submitters in relation to Planning Application PLN/2020/524 - 148 High Street, Kyneton regarding the use and development of a place of worship and reduction in car parking requirement (13 spaces).

Recommendation

- 1. That the Planning Delegated Committee note the submissions received in relation to the Planning Permit Application; and**
- 2. That recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the Planning Delegated Committee on 10 November 2021.**

Background

The subject site is located on the eastern edge of the Kyneton Township on the south side of High Street commencing approximately 95m south east of the intersection with Bourke Street. The site is a parallelogram shape with a 33.53m frontage to High Street and a depth of 50.29m resulting in a site area of 1506m². There is a 1.83m wide drainage and sewerage easement along the full length of the rear boundary. The site falls slightly from north to south, is vacant and grassed and contains no other vegetation other than established planted exotic garden trees and shrubs along the common boundary with the property to the west.

The land adjoining the site to the east is developed with a single storey dwelling, to the west a single storey dwelling and associated mechanical repair business, to the rear; vacant land which is part of the BUPA aged care facility, the main buildings of which are located further to the south; and in small part a dwelling which fronts Ridgeway Crescent to the south.

All surrounding land to the south of High Street is included in the Neighbourhood Residential Zone Schedule 10 and Environmental Significance Overlay Schedule 4. Land opposite to the north of High Street is a site developed with both a commercial building which is currently vacant (most recently used as a shop) and a dwelling; one further dwelling to the east, then a continuous run of commercial properties all having dual frontages to High and Bourke Streets comprising varied commercial uses which continues to the freeway entry ramp further to the east. This land is included in a Commercial 1 Zone and Environmental Significance Overlay Schedule 4 and abuts a Category 1 Road (Bourke Street).

Summary of Proposal

The proposal is to develop and use the land for a place of worship by the Kyneton Plymouth Brethren Christian Church and for a reduction in car parking provision on site.

The submitted plans show a single storey rectangular shaped, utilitarian design, hipped roof building with a footprint of 244.80m² will be located to the west side of the site a minimum of 3.5m from the front (High Street) boundary, 1m from the west boundary, 16.92m from the east boundary and 17.92m from the rear (south) boundary.

The floorplan comprises a church hall area, toilet and maintenance facilities, lobby and an entry porch on the south east corner. The building will have window and door openings on the north and east elevations and will have a Colorbond roof, trims and window frames in 'Ironstone' and walls in a combination of reclaimed red brick and mid toned timber slats.

The site will be fenced along the front boundary with 1.35m high timber post and black metal pickets with a 6.6m wide sliding gate towards the east boundary, the remaining boundaries will be fenced with 1.8m high timber paling fencing. The site will be accessed via a crossover from High Street located parallel with, and 5.5m in from the east boundary. The balance of the site will be used for car parking and vehicle manoeuvring areas and landscaping. A total of 35 sealed car parking spaces will be provided on site.

The submitted landscaping plan shows most will be provided along the property boundaries with a larger area provided within the front setback of the building; species, planting and maintenance plans and information have also been submitted. The place of worship will be the new home for the local community church group as an addition to a number of other similar sites in the Kyneton Township.

The building would be used as a place of worship as follows:

Day	Type of Service	Service duration	Typical operating hours	Typical attendees	Max attendees	Frequency
Monday	Prayer Meeting	30 mins	6.30pm – 7.00pm	30	Up to 50	Weekly
Friday	Bible Teaching	1 hour and 15 mins	6.30pm – 7.45pm	120	Up to 160	Weekly
Sunday	Communion Service	45 mins	5.30am – 6.15am	30	Up to 50	Weekly
	Preaching	60 mins	4.00pm – 5.00pm	120	Up to 160	Monthly

The site would be used for a total of 2.5 hours three (3) days per week (7.5 hours total) and for an additional 1 hour on a Sunday monthly.

The meeting hall would not be available for public bookings or hire and no amplified music used.

Car parking reduction

The reduction in car parking sought is for 13 car parking spaces. The required car parking rate for a place of assembly (which includes a place of worship) is 0.3 car parking spaces for each patron permitted, therefore requiring 48 car parking spaces for the one weekly event and one monthly event when there may be 160 attendees. When the site is being used in accordance with the typical attendees of a maximum of 120, 36 car parking spaces would be required therefore the shortfall would be one (1) car parking space. The applicant has indicated that the maximum number of attendees is in excess of what is expected under normal operation of the premises however they wish to retain the opportunity to cater for those circumstances if and when they occur.

Planning Permit Trigger/s

A planning permit is required to:

- Use the land for a Place of Assembly;
- Construct buildings and works associated with a Place of Assembly use;
- Reduce the number of on site car parking spaces.

Summary of Submission

Three (3) objections were received to this application. They are summarised as follows:

Objection/concern regarding application
• Noise impacts.
• Car parking and the amount of the reduction sought.
• Traffic generation and road safety.
• Hours of operation of the use.
• Loss of privacy.
• Visual impact on streetscape.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

13.	APPLICATION FOR A PLANNING PERMIT PLN/2020/496 - Use and Development of Land for Dog Breeding (18 Fertile Females and 4 Fertile Males)
	CA 9 Section 1 P/Newham, 64 Boundary Road Woodend North
Officer	Yousef Taibeh, Senior Statutory Planning Officer
Attachments	Submissions received

Purpose and Overview

To hear from submitters in relation to Planning Application PLN/2020/496 – Use and Development of Land for Dog Breeding (18 Fertile Females and 4 Fertile Males - King Charles Spaniel and Poodle) at 64 Boundary Road, Woodend North.

Recommendation

- 1. That the Planning Delegated Committee notes the submissions received in relation to Application for a Planning Permit Application PLN/2020/496 - Use and Development of Land for Dog Breeding (18 Fertile Females and 4 Fertile Males - King Charles Spaniel and Poodle); and**
- 2. That recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the Planning Delegated Committee Meeting on 10 November 2021.**

Background

The subject land comprises an agricultural property aligning the eastern side of Boundary Road between Anderson Road and Jim Road. The land is mostly open pasture used previously and currently for broad acre grazing and cropping. There is a development area in the southern half of the site area adjacent to Boundary Road containing dwelling, outbuilding and some other smaller farm buildings.

The site's topography is gently undulating, reaching a high point at its centre, falling downhill to the south toward Anderson Road and in the north toward Jim Road. An ephemeral waterway runs through the northern end of the site. A number of rows of mature conifers are located along boundaries and around the developed area of the site with some mature native trees sparsely located throughout the property. Native vegetation is also located within the road reserves surrounding the property, with Jim Road retaining significant remnant native vegetation.

Surrounding area displays a rural character with similar sized allotments. It comprises an undulating terrain being an open valley located between Mount Macedon to the south, Hanging Rock to the east, the Jim Jim to the north, and the more open landscape toward Woodend in the south-west and Carlsruhe to the west. Properties abutting the north, east and south are larger rural properties with a cluster of smaller properties located to the west side of Boundary Road. Most of the lots in the surrounding area are developed with single dwellings with some level of associated agriculture.

Summary of Proposal

The application is seeking approval for use and development of the land for dog breeding (King Charles Spaniel and Poodle). It will comprise 18 female dogs and 4

male dogs. A maximum of 5 litters will be expected at the any one time, with average litter size of 3-5 puppies as indicated by the applicant.

The development area for the proposed dog breeding facility will be located to the eastern side of the lot (where an existing row of mature trees exist at the boundary), providing more than 500m setback to the nearest dwelling. The development associated with the use will comprise a rectangular Colorbond building (17.4m by 96m) containing the dog pens and associated close run areas, in addition to the administration offices and services.

Four 600m² open exercise yards will be located to the east of the building in addition to staff and transport car parking (7 spaces). A waste storage will also be provided. The proposed building will have a pitched roof having a 5m wall height to the top of the gutter. Proposed colours are dark grey (Colorbond Monument) as indicated on the originally submitted plans. The building will be sound insulated and the business will include and on-site waste treatment plant.

Planning Permit Trigger/s

A planning permit is required to:

- 35.06-1 – Section 2 Use (Dog Breeding);
- 35.06-5 – Buildings and works associated with a Section 2 use.

Summary of Submissions

Eight (8) objections were received to this application. They are summarised as follows:

- Contrary to the Rural Conservation Zone requirements and character;
- Potential degradation of the environment;
- Amenity impacts in terms of potential noise and odour;
- Potential risks of escaping dogs attacking cattle;
- Ethical concerns surrounding Dog Breeding Businesses;
- Potential traffic impacts from increased number of visitors and customers.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.