

Planning Delegated Committee Meeting Minutes

**Wednesday 13 October at 7.02pm
Held online and livestreamed at
mrsc.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 acknowledged that those who attended the meeting were gathered on their land. Council paid its respects to their Elders past, present and emerging and any Aboriginal and/or Torres Strait Islander People who may have been present.

2. RECORDING AND LIVE STREAMING OF THIS COMMITTEE MEETING

This meeting was held online and streamed live on the internet.

The meeting was recorded and made available on Council's website within 48 hours of the end of the meeting.

3. PRESENT

Cr Jennifer Anderson (Mayor), Cr Mark Ridgeway (Deputy Mayor), Cr Dominic Bonanno, Cr Annette Death, Cr Rob Guthrie, Cr Anne Moore, Cr Geoff Neil, Cr Janet Pearce, Cr Bill West.

IN ATTENDANCE

Bernie O'Sullivan (Chief Executive Officer), Angela Hughes (Director Planning and Environment), Evert Grobbelaar (Manager Statutory Planning), Rob Ball (Manager Strategic Planning and Environment), Kate Young (Manager Legal and Corporate Governance), Allison Watt (Coordinator Governance), Christo Crafford (Coordinator Statutory Planning), Jessica Baguley (Senior Governance Officer).

4. APOLOGIES

Nil.

5. CONFLICTS OF INTEREST

Nil.

6. PURPOSE OF THE 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

Resolution:

Moved: Cr Mark Ridgeway

Seconded: Cr Geoff Neil

That the Committee confirms the minutes of the Planning Delegated Committee Meeting held on Wednesday 8 September 2021, as circulated be confirmed.

CARRIED

8. PLN/2021/115 – 48 Brantome Street, Gisborne

Background

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.

Officer 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

Resolution:

Moved: Cr Guthrie

Seconded: Cr Anne Moore

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

1. The proposal fails to meet the overarching objectives and the strategies of Clause 15.01-2S (Building Design Objectives) and Clause 21.08-3 (Built environment) of the Macedon Ranges Planning Scheme as it would result in a development that fails to appropriately respond and contribute to its context and local urban character.
2. The proposal introduces a continuous double storey built form scale that is inconsistent with the preferred neighbourhood built form character.
3. The proposal would present a visually dominant and unsympathetic built form to the area and will have an adverse effect on the residential amenity of the neighbouring land.
4. 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) and
 - b) Clause 55.04-5 (Overshadowing)
5. The proposal represents an overdevelopment of the land.

In Favour: Crs Jennifer Anderson, Anne Moore, Bill West, Rob Guthrie, Annette Death.

Against: Crs Mark Ridgeway, Janet Pearce, Dominic Bonanno, Geoff Neil.

CARRIED 5/4

SUSPENSION OF STANDING ORDERS

Resolution:

Moved: Cr Rob Guthrie

Seconded: Cr Annette Death

7.11pm: That the Committee suspends standing orders to hear from submitters regarding items on the agenda.

CARRIED

9. HEARING OF SUBMITTERS

9.1 Two (2) submitters addressed the Committee on Planning Application DP/2020/2 Lancefield Development Plan Area 1:

- Kerry Blackburn
- Robert Green
- Gary Steigenbeger

Cr Moore left the meeting at 7.48pm
Cr Moore returned to the meeting at 7.51pm

9.2 Five (5) submitters addressed the Committee on Planning Application PLN/2020/497 – 286 Central Road, Tylden:

- Terrie Morgan
- Darren Schooling
- Richard Phillips
- Kim Rowlatt
- Thomas Lui

9.3 Two (2) submitters addressed the Committee on Planning Application PLN/2020/524 – 148 High Street, Kyneton:

- Peter Atkinson
- Gavin Morley

9.4 Two (2) submitters addressed the Committee on Planning Application PLN/2020/496 – 64 Boundary Road, Woodend North:

- Gerry Moriarty
- Stephen Ariss

RESUMPTION OF STANDING ORDERS

Resolution:

Moved: Cr Rob Guthrie

Seconded: Cr Mark Ridgeway

9.04pm: That the Committee resumes standing orders in order to consider officer recommendations for the remaining items on the agenda.

CARRIED

**10. APPLICATION FOR THE APPROVAL OF A DEVELOPMENT
PLAN DP/2020/2 – Lancefield Development Plan Area 1 – Part 1**

Background

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.

Resolution:

Moved: Cr Anne Moore

Seconded: Cr Annette Death

- 1. That the 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.**

CARRIED

**11. APPLICATION FOR A PLANNING PERMIT PLN/2020/497
– 286 Central Road, Tylden**

Background

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.

Resolution:

Moved: Cr Rob Guthrie

Seconded: Cr Anne Moore

- 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.**

CARRIED

**12. APPLICATION FOR A PLANNING PERMIT PLN/2020/524 –
148 High Street, Kyneton**

Background

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).

Resolution:

Moved: Cr Mark Ridgeway

Seconded: Cr Geoff Neil

- 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.**

CARRIED

**13. APPLICATION FOR A PLANNING PERMIT PLN/2020/496 –
64 Boundary Road, Woodend North**

Background

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.

Resolution:

Moved: Cr Geoff Neil

Seconded: Cr Annette Death

That the Committee:

- 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.**

CARRIED

The meeting closed at 9.24pm.

**Councillor Jennifer Anderson
Mayor / Chairperson**