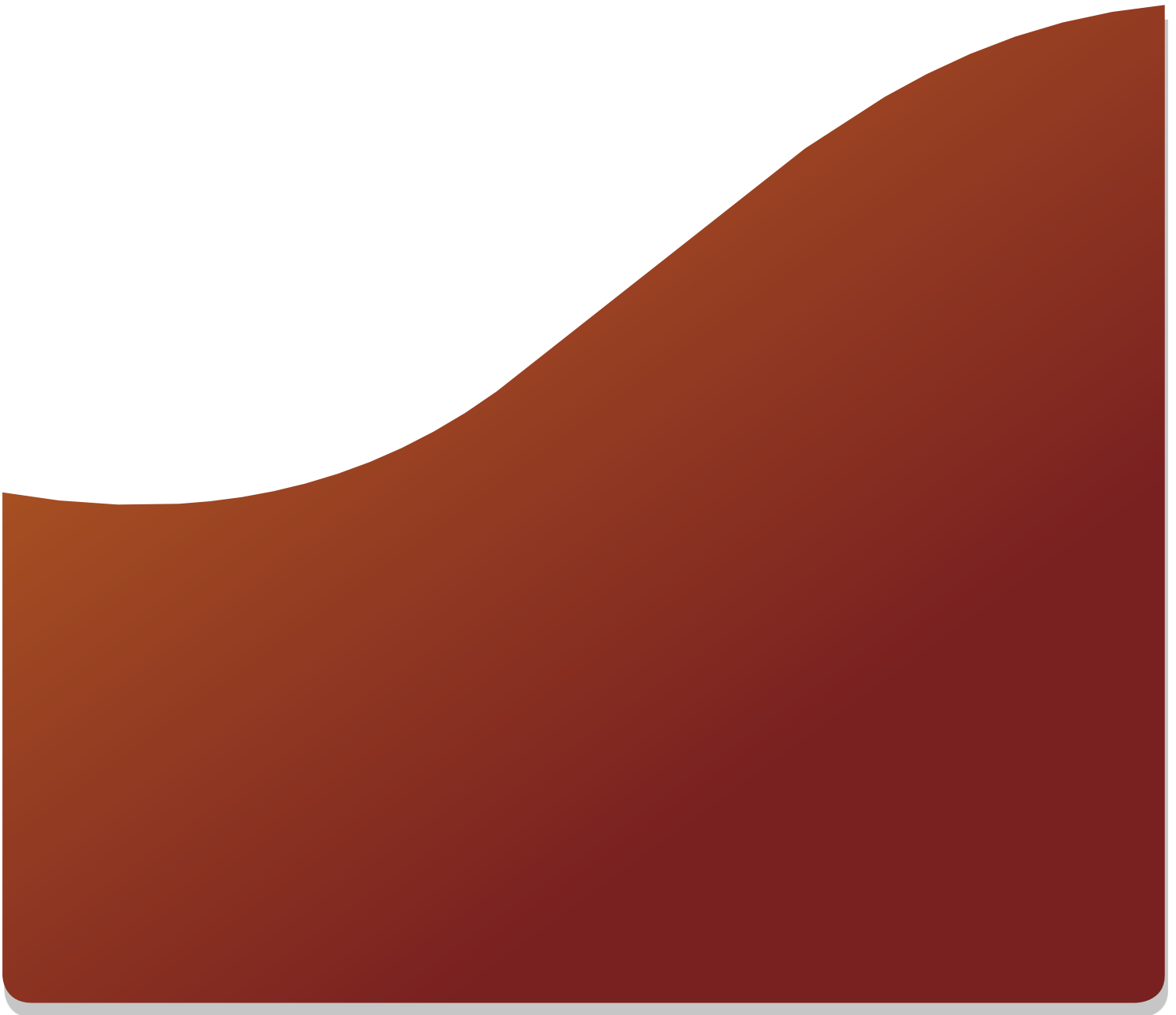


Minutes

**Planning Delegated Committee Meeting
Wednesday 6 December 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 Janet Pearce (Deputy Mayor), Cr Jennifer Anderson, Cr Dominic Bonanno, Cr Rob Guthrie, Cr Geoff Neil, Cr Mark Ridgeway, Cr Christine Walker, Cr Bill West

IN ATTENDANCE

Rebecca Stockfeld (Director Planning and Environment), Patricia Clive (Coordinator Governance), Lucy Olson (Senior Governance Officer - Council Business)

4 APOLOGIES

Cr Annette Death (Mayor), Bernie O'Sullivan (Chief Executive Officer)

5 CONFLICTS OF INTEREST

Cr Ridgeway declared a general conflict in relation to item 8.2.

Procedural note: Cr Guthrie did not declare a conflict of interest at the meeting however he noted that he takes conflicts of interest very seriously and received legal advice that even though he served on Council with the owner of 35 Cherry Lane for seven years this does not constitute a general conflict of interest.

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 Bill West

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

CARRIED

8 REPORTS

8.1 PLN/2022/314 - 35 CHERRY LANE, GISBORNE

Summary

The application seeks approval for the development of the subject site for a three (3) lot subdivision and removal of vegetation (two (2) native trees).

Key issues to be considered relate to the suitability of the site for increased density and infill development, the design and layout of the proposed subdivision to demonstrate that amenity impacts on adjoining land have been appropriately managed in addition to consideration of environmental impacts resulting from the proposal.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is found to be consistent with the objectives and provisions of the Planning Scheme.

Recommendation

That a Notice of Decision to Grant a Permit be issued for the subdivision of land into three (3) lots and removal of vegetation (two (2) Gisborne, 35 Cherry Lane, Gisborne subject to the conditions outlined in Attachment 1.

Cr Rob Guthrie moved an alternative motion.

Committee Resolution

Moved: Cr Rob Guthrie
Seconded: Cr Dominic Bonanno

That the Committee issue a Notice of Decision to Refuse to Grant a Permit PLN/2022/314 for the Development of the Subdivision of Land into Three (3) Lots and Removal of Vegetation (Two (2) Native Trees) at 35 CHERRY LANE, GISBORNE on the following grounds:

- 1. The proposal will be inconsistent with the Statement of Planning Policy (SOPP) objectives in not providing an adequate response to the townships' character.**
 - 2. The proposal will be contrary to Clause 11.01-1S of the Planning Policy Framework of the Macedon Ranges Planning Scheme as it does not support sustainable growth and development.**
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3. The proposal will be contrary to Clause 11.01-1L of the Planning Policy Framework of the Macedon Ranges Planning Scheme as it does not maintain the distinctive semi-rural character of Gisborne.
4. The proposal will be contrary to Clause 15.01-3S and Clause 15.01-3L of the Planning Policy Framework of the Macedon Ranges Planning Scheme as it will create lots that detract from the existing and preferred character of the area and sense of place.
5. The proposal will be contrary to Clause 32.08 General Residential Zone of the Macedon Ranges Planning Scheme in not respecting the identified neighbourhood character.
6. The proposal does not meet the following objectives of Clause 56 of the Macedon Ranges Planning Scheme:
 - (a) 56.03-5 Neighbourhood Character
 - (b) 56.06-4 Neighbourhood street network objective

CARRIED

8.2 DP/2022/3 - 88A AND 90 WEDGE STREET KYNETON, DEVELOPMENT PLAN APPLICATION

Summary

Application DP/2022/3 seeks the approval of a Development Plan for 88A and 90 Wedge Street, Kyneton. The application is made under Development Plan Overlay Schedule 17 (DPO17) which allows more than one development plan.

The application has been assessed against the Macedon Ranges Planning Scheme and it is deemed to be consistent with the requirements of DPO17. It is recommended that application DP/2022/3 be supported and the attached proposed Development Plan be approved

Having previously declared a conflict of interest in relation to this item, Cr Ridgeway left the meeting at 7:20 pm.

Recommendation

That the Committee approves the 88A and 90 Wedge Street Kyneton Development Plan prepared by Tomkinson dated July 2022 covering the land situated Crown Allotment 25, 26 & 27 Wedge Street, Kyneton and Lot 1 and 2, on PS635086Q 88A and 90 Wedge Street Kyneton prepared for the purposes of Clause 43.04, Schedule 17 of the Macedon Ranges Planning Scheme subject to the following changes

- **Modify the Development Plan and associated Traffic Impact Assessment to show the Wedge Street bridge as a two way, one lane bridge with an at grade separated pedestrian and cycling path to the satisfaction of the responsible authority.**
- **Modify the Development Plan to show the percentage of unencumbered open space that will be provided as land and as a cash contribution.**

Cr Jennifer Anderson moved an alternative motion.

Committee Resolution

Moved: Cr Jennifer Anderson
Seconded: Cr Rob Guthrie

That the Committee resolves to refuse to approve the 88A and 90 Wedge Street Kyneton Development Plan prepared by Tomkinson dated July 2022 covering the land situated Crown Allotment 25, 26 & 27 Wedge Street, Kyneton and Lot 1 and 2, on PS635086Q 88A and 90 Wedge Street Kyneton prepared for the purposes of Clause 43.04, Schedule 17 of the Macedon Ranges Planning Scheme on the following grounds:

- 1. The development plan will not respect the existing neighbourhood character as it will result in a subdivision layout that does not respect the local urban structure and subdivision pattern. It also does not respond to the local outlined neighbourhood character values particularly by a lack of lots in excess of 2000 square meters.**
- 2. The development plan does not adequately respond to the constraints and potential impacts of local flooding and does not protect property and the community from flood hazards as required under clause 13.03.**
- 3. The development plan creates a disjointed road network by creating two court bowls instead of a connect road network.**
- 4. The development plan does not provide appropriate and local unencumbered open space to service the needs of the new residents.**
- 5. The development plan does not respond appropriately to the Wedge Street Bridge over Post Office Creek which does not provide sufficient width to accommodate two way vehicular traffic and a dedicated pedestrian crossing.**

CARRIED

At 7:38 pm, Cr Mark Ridgeway returned to the meeting.

The Meeting closed at 7:39pm.