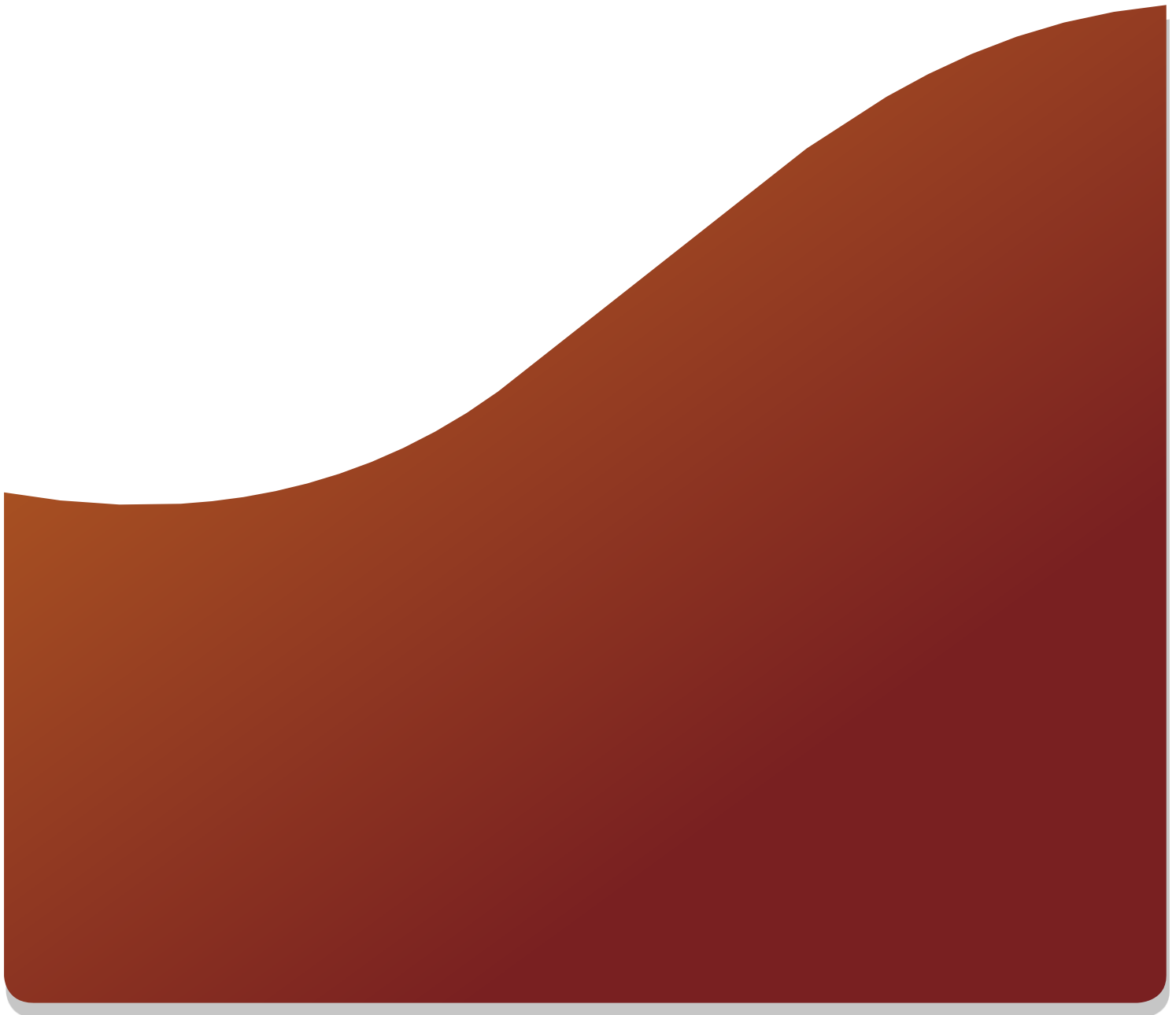


Minutes

Planning Delegated Committee Meeting
Wednesday 9 April 2025 at 7:00 PM
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 Dominic Bonanno (Mayor), Cr Kate Kendall (Deputy Mayor), Cr Jennifer Anderson, Cr Cassy Borthwick, Cr Alison Joseph, Cr Janet Pearce, Cr Andrew Scanlon, Cr Christine Walker, Cr Daniel Young

IN ATTENDANCE

Bernie O'Sullivan (Chief Executive Officer), Rob Ball (Manager Strategic Planning and Environment), Lucy Olson (Senior Governance Officer - Council Business),

4 APOLOGIES

Nil

5 CONFLICTS OF INTEREST

Nil

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 Kate Kendall

Seconded: Cr Christine Walker

That the Committee confirm the minutes of the Planning Delegated Committee of Macedon Ranges Shire Council held on 12 March 2025, as circulated.

CARRIED

8 HEARING OF SUBMITTERS

Five (4) speakers addressed the Committee on PLN/2022/354 - Benetas Retirement Village.

- Clare Keenan – Phone (audio only)
- Duncan Raus – Zoom
- Phillipa Butler – Zoom
- Andrew Grey – Zoom

8.1 HEARING OF SUBMITTERS - AMENDMENT C147MACR AND PLANNING PERMIT APPLICATION PLN/2022/354 - BENETAS RETIREMENT VILLAGE

Committee Resolution

Moved: Cr Kate Kendall

Seconded: Cr Christine Walker

That the Committee:

1. **Notes the submissions received in relation to Amendment C147macr and Planning Application PLN/2022/ 354; and**
2. **Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the 14 May 2025 Planning Delegated Committee Meeting.**

CARRIED

9 REPORTS

9.1 PLN/2023/402 - 131 SHANNONS LANE KERRIE

Summary

The application seeks approval for the part use and development of the land for group accommodation.

The application has been appealed at the Victorian Civil and Administrative Tribunal and as such Council's role is no longer to decide whether to issue a Notice of decision to grant a permit or Notice of decision to refuse to grant a permit. Rather, the decision will be whether Council resolves to support or oppose the grant of planning permit application PLN/2023/401 for the purpose of the VCAT proceedings.

The key issues for consideration relate to whether the proposed land use and development are consistent with the planning controls affecting the site and broader planning policy framework which seek to protect rural land with high environmental values and ensure appropriate development outcomes within a rural context.

The proposal is not in accordance with the purpose of the Rural Conservation Zone and relevant planning policy framework and if approved, would result in a permanent and irreversible change in land use. The application fails to satisfactorily demonstrate that the proposal would protect and enhance the environmental values, natural resources, biodiversity and landscape values of the area in any meaningful way. The proposal also fails to reduce bushfire risk to an acceptable level.

Committee Resolution

Moved: Cr Christine Walker
Seconded: Cr Cassy Borthwick

That the Committee

1. Notes that the application is subject to VCAT proceedings to be determined.
 2. Resolves to advise VCAT that Council opposes the Part Use and Development of Land for Group Accommodation at LOT 1 LP 83026 P/Kerrie, 131 Shannons Lane Kerrie on the following grounds:
 - a) The actions contained within the Environment Management Plan fail to appropriately respond to the conservation values and environmental sensitivity of the site and locality and protect and enhance the natural environment to a level which would support a permanent change in land use. This is contrary to the following Clauses contained within the Macedon Ranges Planning Scheme:
 - Clause 02.03-1 (Settlement)
 - Clause 02.03-2 (Environmental and Landscape Values)
 - Clause 11.03-5S (Distinctive areas and landscapes)
 - Clause 12 (Environmental and Landscape Values)
-

- Clause 16.01-3L (Rural residential development – Macedon Ranges)
 - Clause 35.06 (Rural Conservation Zone)
- b) The proposal would result in the site containing five dwellings which is contrary to the purpose of the Rural Conservation Zone along with Clauses 12.01-1L, 14.01-1S and 16.01-3 which seek to achieve the following:
- Limit residential development on existing lots within the Living Forest area.
 - Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
 - Prevent inappropriately dispersed urban activities in rural areas.
 - Limit residential development of rural land that is not in a Rural Living Zone, unless related to the use of land for agriculture or other compatible economic development activities.
- c) The siting of the car park from the group accommodation dwellings would not result in a practical or orderly planning outcome and fails to prioritise the protection of human life due to the distance of travel which does not allow for safe and efficient movement or evacuation. This is contrary to Clause 13.02-1S (Bushfire Planning) and 52.06 (Car parking).
- d) The proposal fails to prioritise the protection of human life over all other policy considerations and direct development to low risk locations which is contrary to Clauses 13.02 (Bushfire planning) and 71.02-3 (Integrated decision making) in the following manner:
- The proposal would introduce four additional dwellings to a site with an identified bushfire risk (Bushfire attack level BAL-29).
 - The proposed group accommodation dwellings have not been sited in proximity to a public road.
 - The proposal fails to provide safe access to the dwellings for vehicles, including emergency service vehicles.
 - The proposal seeks to rely on an Emergency Management Plan to address bushfire risk in lieu of the fundamental principles of considering appropriate siting and design.

CARRIED

The Meeting closed at 7:27pm.