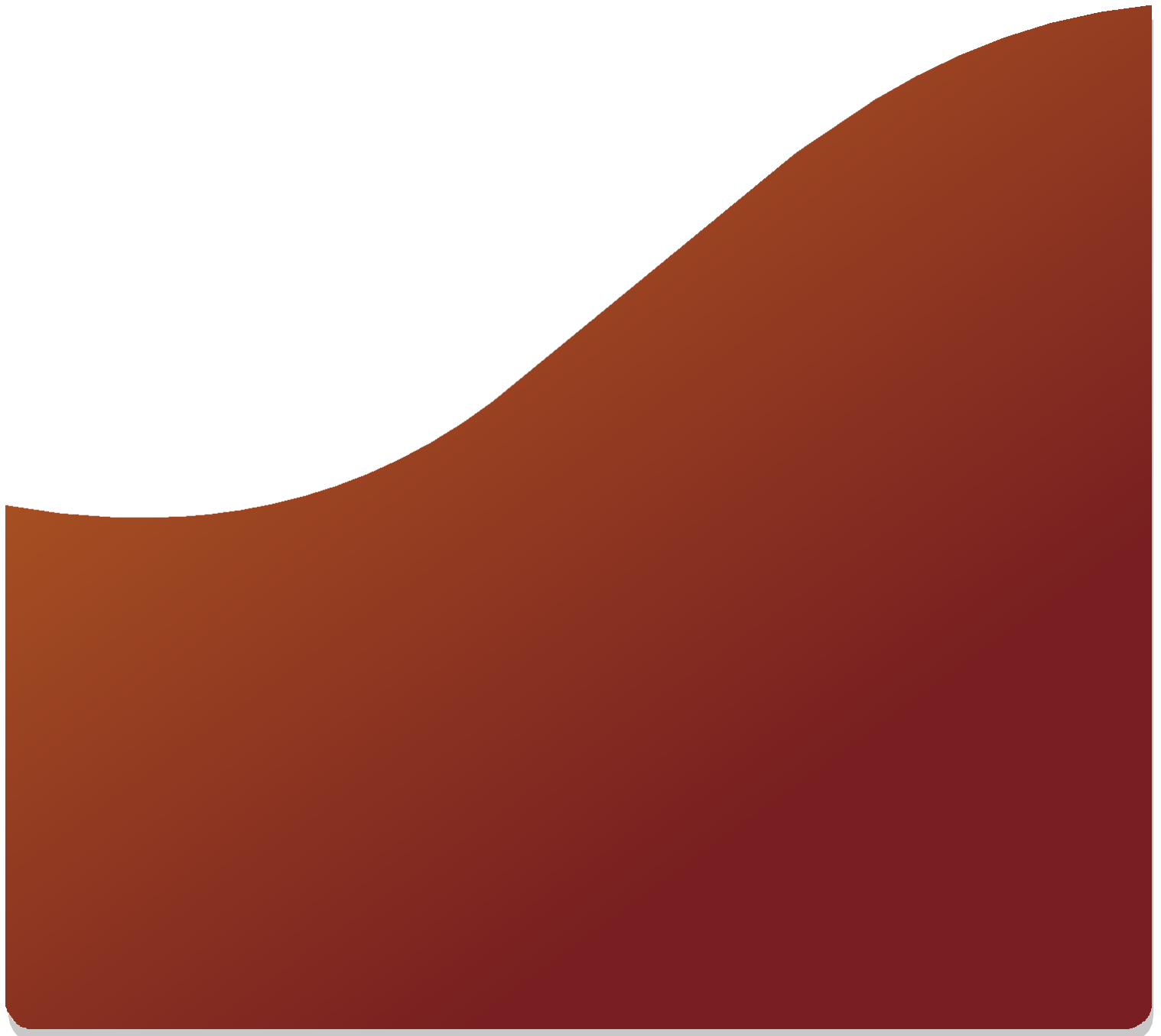


Planning Committee Meeting Minutes

Wednesday 8 September 2021 at 7pm

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 are gathering 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.

Resolution:

Moved: Cr Guthrie

Seconded: Cr Moore

That the Committee appoints Deputy Mayor, Cr Mark Ridgeway, to chair the meeting at any time at which the Mayor is not present due to technical difficulties

CARRIED

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), Rob Ball (Acting Director Planning and Environment), Evert Grobbelaar (Manager Statutory Planning), Kate Young (Manager Legal and Corporate Governance), Allison Watt (Coordinator Governance), Christo Crafford (Coordinator Statutory Planning), Awais Sadiq (Coordinator Statutory Planning), Jessica Baguley (Senior Governance Officer).

4. APOLOGIES

Nil.

5. CONFLICTS OF INTEREST

Nil.

6. PURPOSE OF THE COMMITTEE

The Mayor outlined the purpose of the Planning Delegated Committee which is 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 matter.

7. ADOPTION OF MINUTES

Resolution:

Moved: Cr West

Seconded: Cr Death

That the Committee confirms the minutes of the Planning Delegated Committee Meeting held on Wednesday 11 August 2021, as circulated with the inclusion of a note that Cr Geoff Neil experienced technical difficulties during the meeting.

CARRIED

8. PLN/2019/571 –Edgecombe Road, Kyneton

Background

It is proposed to develop land at Lot 1, PS 331532T, Edgecombe Road, Kyneton for a trade supplies and restricted retail premises, the display of business identification signage, removal of native vegetation, and the creation and alteration of access to a Road Zone - Category 1.

The application was advertised and two hundred and fifty five (255) objections and sixteen (16) letters of support have been received to date. Key issues to be considered relate to the impact of the proposal on the amenity of the area, the design, built form and landscaping of the proposed development, the interface with adjacent and nearby main roads and the Calder Freeway, whether native vegetation removal can be avoided, impacts to the proclaimed water catchment area, and pedestrian separation and safety within car parking and access areas.

The matter is subject to an appeal to the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the matter within statutory timeframes. Council needs to determine its position ahead of the VCAT hearing and compulsory conference.

It is recommended that Council determine that had it decided the application, it would have refused the application on grounds related to detrimental amenity impacts, the inappropriate design, built form and landscaping of the proposal, the inappropriate interface of the development with adjacent and nearby main roads and the Calder Freeway, the lack of avoidance of native vegetation removal, detrimental impacts to the proclaimed water catchment area, and detrimental pedestrian separation and safety within the car parking and access areas.

Resolution:

Moved: Cr Ridgeway

Seconded: Cr Moore

That the Committee refuse the application on the following grounds:

- 1. The proposal is contrary to the Planning Policy Framework including Clauses 11 (Settlement), 12 (Environmental and Landscape Values), 14 (Natural Resource Management), 15 (Built Environment and Heritage), 18 (Transport) as well as Local Planning Policy Framework Clauses 21.04 (Settlement), 21.05 (Environment and Landscape Values), 21.07 (Natural Resource Management), 21.08 (Built Environment and Heritage), 21.11 (Transport). These policies respectively aim to ensure appropriate protection of valued settlement attributes, environmental values, rural and natural landscape values, to ensure appropriate development form, and integrated and holistic transportation outcomes. The development is not appropriately responsive to these policies and would result in**

detrimental outcomes to the character and built form of the locality, as well as adverse environmental and pedestrian safety impacts.

- 2. The proposal is contrary to Clause 21.13-2 (Local Areas and Small Settlements – Kyneton) as well as the reference document the Kyneton Structure Plan 2013, which aim to ensure that new development in Kyneton is appropriately located, is responsive to landscape, character, interface and environmental values and achieves suitably high quality design and built form. The proposed development does not respond to the unique values of Kyneton and the locality of the subject land and would result in a detrimental impact in respect to design and built form, amenity, and environmental impacts.**
- 3. The proposal is contrary to Clause 22.06 (Design of Industrial and Commercial Development) as well as the reference document Design Guidelines for Industrial & Commercial Development for the Macedon Ranges Shire 2012. The proposal is inconsistent with the objectives and guidelines of this policy document and would result in a development outcome that would be inappropriately visually dominant with minimal articulation and landscaping, as well as resulting in adverse outcomes in respect to native vegetation and pedestrian safety.**
- 4. The proposal is contrary to the Commercial 2 Zone (C2Z) which aims to encourage commercial uses including bulky goods retailing and other retail uses and ensure that uses do not impact the amenity of adjacent sensitive land uses. The proposed development does not appropriately respond to the character of the locality, and the frontages and interfaces of the site, and would be unduly visually dominant and stark with minimal landscaping to the detriment of the amenity of the surrounding locality. The car parking arrangements do not appropriately account for pedestrian safety and movement.**
- 5. The proposal is contrary to the Environmental Significance Overlay (ESO4) which aims to protect the quality and supply of the Eppalock Proclaimed Catchment. The removal of native vegetation would result in adverse impacts to the water catchment area including its habitat values.**
- 6. The proposal is contrary to Clause 52.05 (Signs) of Macedon Ranges Planning Scheme which aims to ensure signage is compatible with character and amenity of an area, and does not result in excessive visual clutter or disorder. The proposed signage is unduly large and excessive and would be highly detrimental to the amenity, character and landscape values of the surrounding locality.**
- 7. The proposal is contrary to Clause 52.06 (Car Parking) which aims to ensure that car parking is adequate, functional and efficient, facilitates alternative transport modes, avoids amenity impacts, and is safe and of a high standard. The proposed car parking and access**

arrangements do not account for pedestrian safety and movement and do not achieve a suitably high quality visual outcome for a large expanse of pavement within the site frontages.

- 8. The proposal is contrary to Clause 52.17 (Native Vegetation) which aims to ensure no net loss to biodiversity by ensuring the consideration of avoidance, minimisation and offsetting of native vegetation removal. The proposal seeks removal rather than retention of native vegetation and would therefore result in adverse biodiversity impacts for the site and surrounds.**
- 9. The proposal is contrary to Clause 65.01 (Decision Guidelines) which includes requirements for consideration of the orderly planning, environmental and amenity impacts, and road safety.**
- 10. The proposal is not compliant with Part 3AAB (Distinctive Areas and Landscapes) of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme as it would be contrary to the objectives and strategies of the Statement of Planning Policy relating to landscape, biodiversity and environmental values, water catchments and supply, settlements, and transport and infrastructure.**

CARRIED

9. PLN/2019/572 –Edgecombe Road, Kyneton**Background**

It is proposed to use and develop land at Lot 1, PS 331532T, Edgecombe Road, Kyneton for a service station and development of a restaurant, alteration of access to a Road Zone, Category 1 and display of business (illuminated) identification signage.

The application was advertised and Three hundred and seventy two (372) objections and fifteen (15) letter of supports were received. Key issues to be considered relate to the impact of the proposal on the amenity of the area, the appropriateness of the proposal in relation to the relevant provisions of Macedon Ranges Planning Scheme including Design Guidelines for Industrial & Commercial Development for the Macedon Ranges Shire, June 2012.

The application has been assessed against the Macedon Ranges Planning Scheme and is not considered appropriate. It is recommended that council determine that had it decided the application, it would have refused the application on grounds related to non-compliance with Industrial & Commercial Development for the Macedon Ranges Shire, June 2012, landscape, amenity and traffic impacts.

Resolution:

Moved: Cr Ridgeway

Seconded: Cr Pearce

Cr Ridgeway left the meeting at 7.38pm

Cr Ridgeway returned to the meeting at 7.39pm

That the Committee:

Resolve that the application is not supported and that it would have been refused if the VCAT appeal had not been made for the Use and Development of the Land for a Service Station and Development of a Restaurant, Alteration of Access to a Road Zone, Category 1 and Display of Business (Illuminated) Identification Signage at Lot 1, PS 331532T, Edgecombe Road, Kyneton on the following grounds:

- 1. The proposal is contrary to Clause 11.03-3S as it will result in development that fails to protect and enhance the identified valued attributes of the area.**
- 2. The proposal is contrary to Clause 13 (Environmental Risks and Amenity) which seeks to avoid amenity impacts such as noise, lighting and otherwise to sensitive land uses and ensure appropriate**

location, separation and format of use and development to safeguard amenity and avoid off-site effects. The amenity of nearby sensitive land uses (dwellings) close to the site would be detrimentally impacted by traffic, noise, lighting, and 24 hour operation and otherwise.

3. The proposal is contrary to Clauses 17 (Economic Development) and 21.10 (Economic Development and Tourism) that seek to protect and promote rural economic development including tourism within the Macedon Ranges. The detrimental impact of the proposed development and use to the rural locality and significant landscapes and areas in proximity of the subject land would result in negative impacts to tourism and the rural economy of the Shire.
4. The proposal is contrary to Clauses 12.05-2S (Landscapes) and 21.05-2 (Significant environments and landscapes) that seek protection of landscape. The area is generally open in character displaying rural landscape and the introduction of such intense development on the site will have adverse impacts on the landscape and will be unable to respect the distinctive character and defining attributes of Kyneton.
5. The proposal is contrary to Clauses 21.08-3 (Built Environment) and 21.13-2 (Kyneton) that seek to guide future urban development having regard for township character and environmental constraints. The proposal will undermine the role of town centre as the retail focus by resulting in a type of development that will reduce the reliance on commercial areas within the town centre.
6. The proposal is contrary to a number of objectives under Design Guidelines for Industrial & Commercial Development for the Macedon Ranges Shire, June 2012 at Clause 22.06 (Design of Industrial and Commercial Development) including access and circulation, building siting and orientation, built form, signage, landscaping and interface treatments.
7. The proposal is contrary to the purpose of Commercial 2 Zone as it will result in impact on the safety and amenity of adjacent, more sensitive uses (dwellings).
8. The proposal is also contrary to the decision guidelines under Commercial 2 Zone in relation to impact on traffic, movement of pedestrians, cyclists and vehicles and streetscape character.
9. The proposal is contrary to the following purposes under Clause 52.05 (Signs) of Macedon Ranges Planning Scheme:

- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

10. The proposal will be unable to meet the decision guidelines under Clause 52.05 (Signs) in relation to character of the area, impacts on views and vistas in association with signs and structures, their relationship to streetscape and impact of illumination.

11. The likely signage format for service station is unclear. Signage is integral to the proposal in respect to design and form, rural and natural landscape values, amenity, and other considerations.

12. The proposal is contrary to Clause 65.01 (Decision Guidelines) which requires consideration of the orderly planning of the area.

13. The proposal is not compliant with Part 3AAB (Distinctive Areas and Landscapes) of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme as it would be contrary to the objective of the Statement of Planning Policy which aims to manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced.

CARRIED

SUSPENSION OF STANDING ORDERS

Resolution:

Moved: Cr Guthrie

Seconded: Cr Ridgeway

7.48pm: That the Committee suspends standing orders to hear from submitters regarding items on the agenda.

CARRIED

10. HEARING OF SUBMITTERS

Three submitters addressed the Committee on Planning Application PLN/2020/331:

- **Barbara Ryan**
- **Chris Banon on behalf of applicant**
- **Stephen Pollock**

Two submitters addressed the Committee on Planning Application PLN/2021/115:

- **Tony Bongiovanni**
- **Bill Jacobs**

Three submitters addressed the Committee on Planning Amendment C127macr:

- **Andrew Baird and Steve Simpson**
- **Father Daniel Ghabrial**

Cr Moore left the meeting at 8.47pm

RESUMPTION OF STANDING ORDERS

Resolution:

Moved: Cr Ridgeway

Seconded: Cr Death

8.48pm: That the Committee resumes standing orders.

CARRIED

**11. PLANNING PERMIT APPLICATION PLN/2021/331–Lot 2 Melbourne
Lancefield Road, Romsey****Background**

The subject land is a spacious parcel of 8.4 hectares located on the corner of Melbourne Lancefield Road and Hutchinsons Lane West, immediately north of the township boundary of Romsey and 1.2 km north of the intersection of Main Street and Barry Street at the centre of the Romsey township. The land is rectangular in shape being 430m length from east to west and 195m width from north to south. The property presently comprises open pasture having previously been used as grazing land, with a row of cypresses aligning its southern boundary to Hutchinsons Lane West with avenue tree planting aligning the Melbourne Lancefield Road on the eastern frontage of the land. The land slopes gradually downhill at a shallow angle of around 3% at a relatively even gradient from north-west to south-east with the total fall being 15m across the land. A dilapidated shed is located within the eastern half of the site.

Surrounding properties to the north side of Hutchinsons Lane West are similarly subject to Rural Living Zone and generally comprise rural residential properties other than a few larger properties remaining in agricultural production. The properties abutting to the west and north sides are rural residential with the nearest dwelling being sited within 12m of the northern boundary of the subject land, whilst other dwellings are at least 120m or further from the subject land. The southern boundaries of the properties to the north are aligned with high hedging, with no boundary planting on or adjacent to the western side of the site. To the eastern side of Melbourne Lancefield Road from the subject land is a larger farming property used predominantly for cropping and grazing, with the dwelling on that land located 360m east of the application site. To the south side of the subject land is the northern boundary of the Romsey township, with residential properties within the urban area of the township extending southwards. Dwellings along the southern side of Hutchinsons Lane West from the subject land are sited within 30m with those properties incorporating rural post and wire fencing along the northern boundaries to that road within the reserve for which is a row of mature native trees.

Resolution:

Moved: Cr Neil

Seconded: Cr Bonanno

- 1. That the Planning Delegated Committee note the submissions received in relation to Application for Planning Permit, Application PLN/2020/331, for the Use and development of the land for a residential aged care facility; and**
- 2. That recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the next Council Meeting on 22 September 2021.**

CARRIED

**12. PLANNING PERMIT APPLICATION PLN/2021/115 – 48 Brantome Street,
Gisborne****Background**

The subject site is located on the west side of 48 Brantome Street on land covered by the Commercial 1 Zone (C1Z), immediately adjacent to residential development on all sides. The site is approximately 1018m² in size, flat and is occupied by a dwelling. The surrounding area is situated within an established residential area adjacent to and well serviced by the commercial offerings of Gisborne Town Centre to the north and east. Lots around the immediate area to the north, west and south have already been redeveloped into denser residential accommodation, however mostly adopting a single storey built form. Areas beyond the subject site street block to the south, east and west are earmarked for further medium density re-development as identified in the Gisborne/New Gisborne Framework Plan.

Resolution:

Moved: Cr Bonanno

Seconded: Cr Neil

1. That the Planning Delegated Committee note the submissions received in relation to Application for a Planning Permit Application PLN/2021/115 – Development of one (1) office and four (4) dwellings); 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 13 October 2021.

CARRIED

13. PLANNING SCHEME AMENDMENT C127macr

Background

The Macedon Ranges Shire Heritage Study: Woodend, Lancefield, Macedon and Mount Macedon Heritage Study (2019) was commissioned in 2018 and completed by GJM Heritage. The Study can be viewed on Council's website at <https://www.mrsc.vic.gov.au/Build-Plan/Heritage-Protection-and-Planning/Heritage-Studies/Woodend-Lancefield-Macedon-and-Mt-Macedon-Heritage-Study-2019> .

The study reviewed 56 places previously identified in the older work, the Macedon Ranges Cultural Heritage and Landscape Study 1994 and of these, 33 heritage sites were documented for their significance.

Two of these 33 heritage places from the Study have been protected by interim Heritage Overlays during this process. The Victoria Police Residence at 59 Victoria Street Macedon has been now been permanently protected (C124macr and C125macr), and 'Carramar' at 20 Bowen Street Woodend is temporarily protected awaiting the final outcome of Amendment C127macr.

At the Ordinary 24 April 2019 Council Meeting, it was resolved to seek authorisation from the Minister for planning to apply the Heritage Overlay to 32 places of significance identified as:

Resolution:

Moved: Cr Guthrie

Seconded: Cr Ridgeway

That the Planning Delegated Committee:

1. **Note the submissions received in relation to Planning Scheme Amendment C127macr regarding the implementation of the Macedon Ranges Shire Heritage Study: Woodend, Lancefield, Macedon and Mount Macedon (2019).**
2. **Determine the next step in the Planning Scheme Amendment process at a future meeting.**

CARRIED

Cr Moore returned to the meeting at 8.51pm

The meeting closed at 8.51pm.

Councillor Jennifer Anderson
Mayor / Chairperson