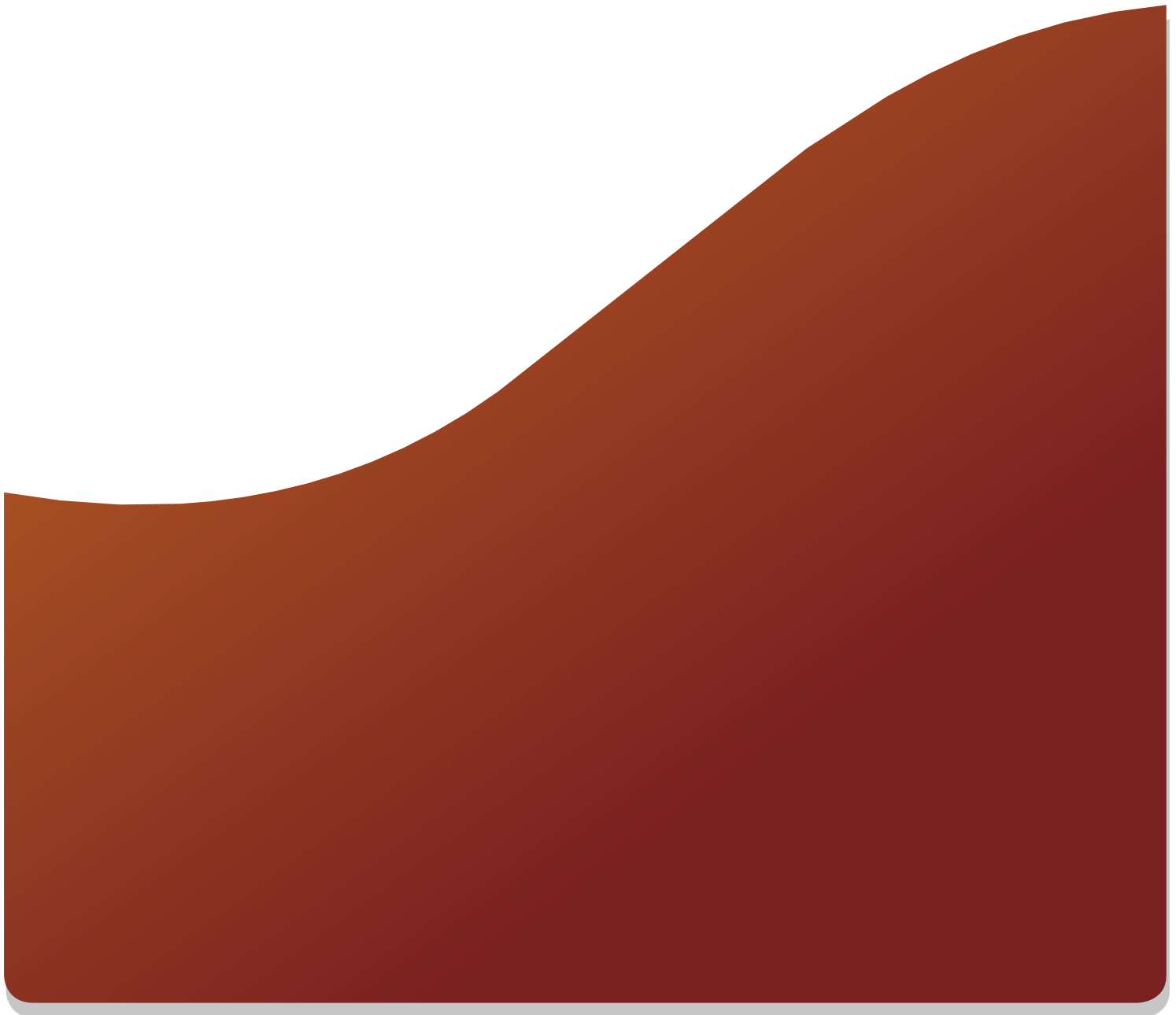


# Minutes

**Planning Delegated Committee Meeting**  
**Wednesday 7 December 2022 at 7pm**  
**Held online and livestreamed at [mrsc.vic.gov.au](https://mrsc.vic.gov.au)**



**Order of business**

<b>1</b>	<b>Acknowledgement of Country .....</b>	<b>3</b>
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<b>3</b>	<b>Present .....</b>	<b>3</b>
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<b>6</b>	<b>Purpose of Planning Delegated Committee .....</b>	<b>3</b>
<b>7</b>	<b>Adoption Of Minutes .....</b>	<b>4</b>
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8.1	HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2022/216 - Resubdivision of Two (2) Lots into Two (2) Lots 64 Moffats Lane, Romsey .....	5
<b>9</b>	<b>Reports.....</b>	<b>5</b>
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9.2	FOR DECISION - PLN/2021/592 - BURKE & WILLS TRACK BENLOCH - USE AND DEVELOPMENT OF LAND FOR A DWELLING .....	6

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

**IN ATTENDANCE**

Rebecca Stockfeld (Director Planning and Environment), Patricia Clive (Coordinator Governance), Every Grobbelaar (Manager Statutory Planning), Lucy Webb-Wilson (Senior Governance Officer – Council Business), Mwai Mashunga (Service Desk Officer)

**4 APOLOGIES**

Bernie O'Sullivan (Chief Executive Officer)

**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.

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**7 ADOPTION OF MINUTES****Committee Resolution**

Moved: Cr Jennifer Anderson

Seconded: Cr Anne Moore

**That the Committee confirm the minutes of the Planning Delegated Committee of Macedon Ranges Shire Council held on 9 November 2022, as circulated.**

**CARRIED**

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**SUSPENSION OF STANDING ORDERS****Committee Resolution**

Moved: Cr Rob Guthrie

Seconded: Cr Mark Ridgeway

That Council suspend standing orders in order to hear from submitters on items on the agenda.

**CARRIED**

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One submitter addressed the Committee on planning permit PLN/2022/216 - Resubdivision of Two (2) Lots into Two (2) Lots 64 Moffats Lane, Romsey:

- Julie Francis (on behalf of applicant) – Zoom

At 7:16 pm, Cr Jennifer Anderson left the meeting and returned at 7:17 pm.

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**RESUMPTION OF STANDING ORDERS****Committee Resolution**

Moved: Cr Rob Guthrie

Seconded: Cr Mark Ridgeway

That Council resumes standing orders in order to consider the officer's recommendation on the item on the agenda.

**CARRIED**

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## 8 HEARING OF SUBMITTERS

### 8.1 HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2022/216 - RESUBDIVISION OF TWO (2) LOTS INTO TWO (2) LOTS 64 MOFFATS LANE, ROMSEY

#### Committee Resolution

Moved: Cr Geoff Neil

Seconded: Cr Bill West

#### That the Committee:

1. Notes that no submissions have been received in relation to PLN/2022/216 for the resubdivision of two (2) lots into two (2) lots; and
2. Requests that recommendations be prepared, based on all relevant information, for consideration and determination at the next Scheduled Council Meeting to be held on 14 December 2022.

CARRIED

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## 9 REPORTS

**Procedural Note:** During the resolution of item 9.1 Cr Neil lost connection (at 7:18pm). Cr Neil rejoined (at 7:20pm) and sort a clarification of agenda item before the meeting indicating that he wished to participate in the debate of item 9.2. Governance advised that given the circumstances that the Committee could re-take the vote on item 9.1 and continue the meeting from this point to allow Cr Neil to participate in item 9.2.

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### 9.1 APPLICATION FOR A REZONING AND SECTION 96A PLANNING SCHEME AMENDMENT C153MACR AND PLANNING PERMIT PLN/2022/359- 101-105 WILLOWBANK ROAD, GISBORNE

#### Summary

Council has received a request to consider a planning scheme amendment to rezone land at 101-105 Willowbank Road from the General Residential Zone to the Commercial 1 Zone, and to apply the Design and Development Overlay to the site to control future development. An application for a planning permit under Section 96A of the *Planning and Environment Act 1987* has also been lodged for development of a commercial centre including a supermarket, medical centre, commercial space, food and drink premises (café), reduction of car parking, and variation of covenant PS549356W.

#### Committee Resolution

Moved: Cr Rob Guthrie

Seconded: Cr Anne Moore

#### That the Committee:

1. Seeks authorisation from the Minister for Planning to prepare Planning Scheme Amendment C153macr to the Macedon Ranges Planning Scheme pursuant to section 9 of the *Planning and Environment Act 1987*;
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2. Authorises Council officers to prepare amendment documents for authorisation and exhibition of Amendment C153<sup>macr</sup> and draft Planning Permit PLN/2022/359
  - (a) Upon receipt of authorisation from the Minister for Planning, make any changes necessary to comply with the conditions of authorisation; and
  - (b) Upon satisfaction of any conditions of authorisation, exhibit Amendment C155<sup>macr</sup> and Planning Permit PLN/2022/359 pursuant to section 19 of the *Planning and Environment Act 1987*.

**CARRIED**

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## 9.2 FOR DECISION - PLN/2021/592 - BURKE & WILLS TRACK BENLOCH - USE AND DEVELOPMENT OF LAND FOR A DWELLING

### Summary

The application is for the use and development of the land for the purpose of a dwelling. A Land Management Plan has been provided with the application to support the dwelling, which includes cattle grazing, revegetation and weed management.

The application was advertised and one (1) objection has been received to date.

Key issues to be considered relate to the need for the dwelling on the land. The proposal does not adequately demonstrate or justify that a dwelling is required for sustainable agricultural and conservation management of the land.

The application has been assessed against the Macedon Ranges Planning Scheme and is contrary to the relevant policies. It is recommended that a Notice of Decision to Refuse to Grant a Permit be issued.

### Committee Resolution

Moved: Cr Rob Guthrie  
Seconded: Cr Anne Moore

**That the Committee issues a Notice of Decision to Refuse to Grant a Permit to use and development of land for a dwelling for the land at Burke & Wills Track Benloch, LOT 1 TP334568R VIC 3435, on the following grounds:**

1. The proposal is contrary to Clause 12.01-1S as it will be unable to protect and enhance the biodiversity as the submitted land management plan proposed limited amount of revegetation;
2. The proposal is contrary to Clause 14.01-1S, which seeks to consolidate lots in rural zones. The adjoining land to the south-east is under the same ownership with an existing dwelling therefore opportunity exists for consolidation to make it viable for the protection of the conservation values of the land;
3. The proposal is contrary to Clause 16.01- 3S which aims to identify land suitable for rural living and rural residential development. The proposal will be unable to protect the existing environmental qualities such as biodiversity and habitat;

4. The proposal is contrary to Clause 21.07-1 as it fails to demonstrate and provide adequate justification that the dwelling is required for sustainable agricultural or conservation pursuits;
  5. The proposal is contrary to the purpose of the Rural Conservation Zone in relation to the protection and enhancement of the natural resources, biodiversity and landscape values of the area;
  6. The proposal is contrary to the conservation values specified under Schedule 1 of the Rural Conservation Zone, as it will be unable to enhance the native vegetation and biodiversity of the area; and
  7. The proposal is contrary to the objective of the Statement of Planning Policy in relation to the protection of conservation values of the land.
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In Favour: Crs Jennifer Anderson, Rob Guthrie, Dominic Bonanno, Annette Death, Anne Moore, Janet Pearce and Bill West

Against: Crs Geoff Neil and Mark Ridgeway

**CARRIED 7/2**

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**The Meeting closed at 7:48pm.**