

Planning Delegated Committee Meeting

Minutes

10 February 2021 at 6:30pm

Virtual Meeting



ORDER OF BUSINESS:

1. Opening Declaration	3
2. Apologies for Absence	3
3. Disclosure of Interest	4
4. Confirmation of Minutes	4
5. Officers Briefing	4
6. Planning Delegated Committee Reports	4
6.1. PLP/2019/313 - 166 Millers Road Invermay - Use of the land for horticulture, a function centre with Producer’s Licence, rural industry (cider production and wild fermented beer production)	4
6.2. PLP/2020/332 - Use And Development Of The Land For Group Accommodation And Display Business Identification Signage At Ca 3 Yendon No. 2 Road, Buninyong.....	5
7. General Business	6
8. Close	6

1. OPENING DECLARATION

2. APOLOGIES FOR ABSENCE

2.1 Present

Mayor Cr Daniel Moloney
Cr Ben Taylor
Cr Samantha McIntosh
Cr Belinda Coates
Cr Mark Harris
Cr Des Hudson
Cr Amy Johnson
Cr Peter Eddy
Cr Tracey Hargreaves

Mr Evan King - Chief Executive Officer
Ms Bridget Wetherall - Director Infrastructure and Environment
Mr Matthew Wilson - Director Community Wellbeing
Mr Sean Portelli - Director Corporate Services
Ms Natalie Robertson - Director Development and Growth

2.2 Apologies

Nil

3. DISCLOSURE OF INTEREST

Nil

4. CONFIRMATION OF MINUTES

Nil

5. OFFICERS BRIEFING

Nil

6. PLANNING DELEGATED COMMITTEE REPORTS

6.1. PLP/2019/313 - 166 MILLERS ROAD INVERMAY - USE OF THE LAND FOR HORTICULTURE, A FUNCTION CENTRE WITH PRODUCER'S LICENCE, RURAL INDUSTRY (CIDER PRODUCTION AND WILD FERMENTED BEER PRODUCTION)

Division: Development & Growth
Director: Natalie Robertson
Author/Position: Mish Watt – Coordinator Statutory Planning

Cindy Swanson, Jamie Goldsmith, Bas Groenveld, Cameron Palmer, Fiona Nolle made public representations.

The additional substantial number of written submissions both in favor of and against the proposal have been provided to Councillors and are recognised in the Minutes as part of the meeting

PURPOSE

The purpose of this report is to determine a position at the upcoming VCAT hearing for Planning Permit Application PLP/2020/332 – Use and development of the land for group accommodation and display business identification signage at CA 3 Yendon No 2 Road, Buninyong

RESOLUTION:

That the Planning Delegated Committee having caused notice of Planning Permit Application PLP/2019/313 to be given under Section 52 of the *Planning and Environment Act 1987*; and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Refuse to Grant a Permit under the Ballarat Planning Scheme in respect of the land known and described as 166 Millers Road, Invermay for the use of land for horticulture, a function centre with Producer's Licence and rural industry (cider production and wild fermented beer production) on the following grounds:

1. The application would result in land use conflict in this quiet rural living environment and it is not consistent with the purpose of the zone. It has not been demonstrated that noise impacts from the use will not reduce community amenity or impact on nearby sensitive land uses and is therefore inconsistent with Clause 13.05-1S – Noise abatement and Clause 13.07-1S – Land use compatibility.
2. Adequate car parking cannot be provided onsite for the use given that the site is located in a Floodway Overlay and the part of the land in which carparking is proposed to be provided is not supported by the Glenelg Hopkins Catchment Management Authority. The car parking area will be subject to deep flooding of up to 1 metre, making it unusable.
3. The application is inconsistent with the strategy to *avoid intensifying the impact of flooding through inappropriately located use and development* contained in Clause 13.03-1S – Floodplain management.

Moved: Cr Amy Johnson
Seconded: Cr Peter Eddy

CARRIED
(PDC 1/21)

6.2. PLP/2020/332 - USE AND DEVELOPMENT OF THE LAND FOR GROUP ACCOMMODATION AND DISPLAY BUSINESS IDENTIFICATION SIGNAGE AT CA 3 YENDON NO. 2 ROAD, BUNINYONG

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Natalie Robertson – Director Development and Growth

Kevin Zibell, Ian & Jen Dodds and Barry Fitzgerald made public representations.

The additional substantial number of written submissions both in favour of and against the proposal have been provided earlier to Councillors and are recognised in the Minutes of the meeting

PURPOSE

The purpose of this report is to determine a position at the upcoming VCAT hearing for Planning Permit Application PLP/2020/332 – Use and development of the land for group accommodation and display business identification signage at CA 3 Yendon No 2 Road, Buninyong.

RESOLUTION:

That the Planning Delegated Committee having caused notice of Planning Permit Application PLP/2020/332 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all of the matters required under Section 60 of the Planning and Environment Act 1987 decides to pursue refusal of the application under the Ballarat Planning Scheme in respect of the land known as CA 3 Yendon No 2 Road, Buninyong at the upcoming VCAT hearing on the following grounds:

- 1. The development is inconsistent with Clause 15.01-6S of the Planning Policy Framework which seeks to ensure development respects the valued areas of rural character. The siting and scale of the units does not enhance the rural character or natural scenery.**
- 2. The development of the land is inconsistent with the objective contained within the Rural Living Zone that seeks to protect the landscape values of the area.**
- 3. The development is inconsistent with Clause 21.03-2 of the Local Planning Policy Framework, which seeks to protect Mount Buninyong from unsuitable design that will significantly impact landscape values and key view lines.**
- 4. The development is inconsistent with Clause 21.09-3 which seeks to avoid inappropriate development by maintaining the rural landscape.**
- 5. Insufficient information to determine if the land can suitably contain an onsite effluent management system in keeping with the proposed development.**

Insufficient information to determine that an appropriate accessway can be constructed to comply with the conditional requirements of CFA and the requirement to reduce the risk of threat to prioritise the protection of human life as required by Clause 13.02-1S.

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(PDC 2/21)

7. GENERAL BUSINESS – MATTERS ARISING FROM THE AGENDA

Nil

8. CLOSE

The Chairperson declared the meeting closed at 8:41pm.

Confirmed this

day of

2021.

.....

Mayor/ Councillor