

Our Reference: 13263
17/02/2023

Macedon Ranges Shire Council
Strategic Planning Unit
Att: Jack Wiltshire
PO Box 151
Kyneton VIC 3444

Dear Jack,

APPLICATION FOR PLANNING PERMIT DP/2022/3

PK1166629, LOT 2 1 PS 524086Q P/Lauriston, CA 27 Section 50 TP 565553Q P/Lauriston, CA 25 Section 50 TP 565648D P/Lauriston, CA 26 Section 50 TP 549691T P/Lauriston, 88A Wedge Street KYNETON VIC 3444, 90 Wedge Street KYNETON VIC 3444

Approval of a Development Plan (Wedge & Ebdon Streets, Kyneton - Former Industrial Zone Area

In response to council's request for further information issued 9 November 2022 we provide the following response. This response is submitted pending lodgment of an approved Environmental audit statement and Riparian management plan to allow for the interim assessment of other documentation while they are completed. This response is provided with the following supporting documents:

- Updated planning report
- Revised Stormwater Management strategy and MUSIC model
- Revised servicing report
- Revised Building envelope plan and sample floor plan
- Revised Landscape plan
- Updated Traffic Impact assessment report

General Information requests	Response
<p>1. <i>The Wedge & Ebdon Streets, Kyneton – Former Industrial Zone Area (Area A) must encompass the whole area covered by the DPO17 covering Area A. Therefore 88 Wedge Street must be included and considered within the context of the proposed development plan. Contact with the landholder is preferred. The site can remain be proposed to be un-subdivided but direction is required for any infrastructure, open space connections and stormwater considerations.</i></p>	<p>The Development plan has been updated to include the 88 Wedge street portion of the site in Area A. However, it should be noted that the existing dwelling onsite will continue to function in its current capacity with no changes. Any future development of subdivision of the parcel will be particularly constrained by setback requirements for the waterway and infrastructure connections and associated easements onsite.</p> <p>Future sewage connections will be provided through the site to link in with existing infrastructure on Wedge street.</p> <p>The entirety of the 88 Wedge street site does not form part of the future drainage design for the DPO area. Existing drainage infrastructure onsite will continue to function in its current capacity and discharge to existing municipal infrastructure on Wedge Street.</p>



<p>2. <i>Provide a final Environmental Audit Statement pursuant to Part 8.3 of the Environment Protection Act 2017.</i></p>	<p>The final Environmental Audit Statement is currently subject to final assessment and approval by the auditor. It is anticipated that the EAS will be provided to council in due course. This response is provided to allow for the assessment of other supporting documentation in the interim. The statement is expected to be available early March 2023.</p>
<p>3. <i>A response within the planning report regarding Clause 13.07-1S (Land Use Compatibility).</i></p>	<p>Please refer to revised Planning report provided with this response.</p>
<p>4. <i>The proposed Powlett Street cul-de-sac is shown to be partly located outside of the road reserve and partly within the adjoining 85A Wedge Street land and waterway reserve. Clarification on if this land will be acquired or how the proposed design will work. The area designated 'reserve' should be clarified to show the inclusion of the cul-de-sac road reserve area.</i></p>	<p>Please find enclosed updated plans. The proposed cul-de-sac will be wholly located within the reserve forming an extension of Powlett Street.</p>
<p>5. <i>Building envelopes for Lots 10 and 18 must be revised to reflect Goulburn Murray Water's requirement for a 30m building exclusion zone from Post Office Creek. The viability of Lot 18 within the context of the NRZ10 requirements must be reviewed and demonstration that development can occur on this lot and meet the NRZ10 provisions. Alternatively, Lot 18 could be consolidated into lots 14-17 to make these larger and a rearrangement to the lots on this side of the development.</i></p>	<p>The building envelope plan provided with the DP submission has been updated to reflect the 30m GM Water setback requirement from Post Office Creek.</p> <p>The revised envelope on Lot 18 will still support the development of a dwelling in a range of styles. Several options are available from bulk building companies for lots with a 16m frontage as shown on the plan.</p> <p>A sample floor plan is provided for reference demonstrating that a "Standard" off the shelf design can be accommodated within the revised envelope, with a multitude of design options available for double story and bespoke designs.</p>
<p><i>The following issues are raised for the applicant to consider and respond to either with an amended Development Plan or changes to documents to address the following;</i></p>	
<p>1. <i>The Development Plan should consider extending the construction of Powlett Road further to the north and link with Latrobe Street to improve the integration and linkages to the established road networks, as recommended within Schedule 17 of the DPO.</i></p>	<p>While an extension of Powlett street to Latrobe street for reasons of connectivity and allowing for future access opportunities to adjacent land is noted, the additional linkage will be of little benefit to both the proposed DP and the future DP in Lot B, particularly in light of the proposed east-west linkage and future connectivity to Ebdon street when Area B is developed.</p> <p>Considering the proposed DP and primary function of achieving connectivity from Wedge street, a linkage to</p>



	<p>Powlett street only stands to benefit landowners on La Trobe street adjoining the unmade portion of road and won't necessarily achieve increased connectivity as users of the development in the DP will be reliant on the proposed connection when returning/travelling from the CBD, with residents on Latrobe street more likely to use Ebdon street to access the CBD as well due to it being a more direct link into the activity centre.</p> <p>An updated Traffic Impact assessment report is provided in support of this statement. Please refer to the enclosed report for more details. The report provides supporting statements to this effect and justifies the proposed layout and connectivity of the layout.</p> <p>Refer to updated documents provided with this response.</p>
<p>2. <i>The proposed pedestrian path within the public open space should include a constructed link to the edge of the boundary, which will provide a link and connection to the future reserve along Post Office Creek further to the east.</i></p>	<p>An updated landscape plan has been provided with this response in accordance with this requirement.</p>
<p>3. <i>It is recommended that the side setbacks be increased to a minimum of 4.0 metres to ensure the preferred future character is established with larger areas of landscaping (Lots 2, 6, 12 and 14).</i></p>	<p>Side setbacks for lots 2, 6, 12 and 14 have been provided in accordance with the request – Please refer to revised building envelope plan provided with this response</p>
<p>4. <i>It has been raised at the site meeting on 7 September 2022 that design guidelines would be used to ensure a good design response to Post Office Creek and open space. Guidelines should be provided to be incorporated into the development plan application so that these can provide guidance to future planning permit applications outcomes.</i></p>	<p>Potential design guidelines to ensure lots addressing the proposed reserve and Post-Office creek present adequate passive surveillance and appropriate visual linkages through the reserve. The following design guidelines are proposed for lots 9, 10 and 18 which may form part of future permit conditions.</p> <p>POTENTIAL DESIGN GUIDELINES</p> <ol style="list-style-type: none">1. All lots with a boundary interface to the recreation reserve and Post Office creek must contain:<ul style="list-style-type: none">○ A dwelling that actively fronts the open space reserve○ Must not contain outbuildings or swimming pools between the dwelling frontage and reserve frontage



	<ul style="list-style-type: none">○ Have either no front fence or visually permeable fence not exceeding 1.2m○ On reserve interface have either no boundary fence or a 50% visually permeable fence not exceeding 1.8 metres from natural ground level; <p>2. Boundary Fencing on reserve interfaces must be constructed of natural materials in tones that are sympathetic to the surrounding area.</p> <p>We note that the design guidelines are subject to review and further discussion with council and/or change before confirmation as part of the Development Plan.</p>
ROAD/TRAFFIC	
<p>5. <i>Referring to Section 6.3.1 of the Traffic Impact Assessment report, prepared by O'Brien Traffic, a recommendation has been made for the widening of carriageway in Wedge St from its current 5m width to 6m between Post Office Creek and the east-west unmade road reserve. The report omitted to assess and provide commentary on the width of the existing bridge over Post Office Creek. This must be considered within the Traffic Impact Assessment.</i></p>	<p>The Traffic Impact assessment has been updated in accordance with the request. Please refer to commentary provided in the updated report provided with this response, specifically:</p> <p>Where Wedge Street crosses Post Office Creek, the road width is constrained by the bridge barriers. Currently the seal width between barriers is approximately 6m, although the 'effective' width is less (allowing for clearances to the barriers). Nevertheless, there is sufficient width for two vehicles to pass. Given that the constrained situation occurs over a short distance only (approximately 35m), it will have no significant impact on the operation of the road and is considered acceptable. Based on this reasoning, it is considered that no modifications to the bridge are required to support the additional lots proposed as part of the development plan.</p>
<p>6. <i>The submitted Functional Layout Plans have indicated a network of footpaths along Wedge St, the east-west and north-south unmade road reserves. However, no footpath is proposed along the internal access road and a footpath along Wedge Street is limited to the frontage of 90 Wedge Street. The existing Wedge Street bridge over Post Office Creek does not allow for safe access for pedestrians. Consideration must be made on the provision of pedestrian infrastructure that will promote and allow future residents to safely cross Post Office Creek.</i></p>	<p>Given that only 5 lots will gain vehicle access to the proposed internal court bowl (lots 7-11), the resulting street setting will experience relatively low traffic volumes and considered to be a convenient and safe pedestrian friendly linkage for residents who can utilise verge areas or the road surface for reserve access. Therefore, no footpath is provided in the court bowl.</p> <p>It is noted that construction of pedestrian infrastructure over Post Office creek will provide for pedestrian connectivity for residents of the development. However, connectivity to any proposed creek crossing is currently unavailable as the Wedge street footpath network does not extend to the DP area, and while Piper street provides some benefit to residents in terms of its amenity, the main activity centre of Kyneton is over 1.6km away and</p>



	<p>therefore inaccessible by walking for many future residents.</p> <p>Any pedestrian infrastructure over Post office creek can only be provided if the Wedge street footpath is extended to the DPO area. Therefore, given that a pedestrian linkage stands to benefit adjacent areas of Wedge street more than residents of the DP area in terms of providing pedestrian connectivity to the Kyneton activity centre, a future developer contribution to a creek crossing must only be commensurate with the low level of pedestrian traffic generated by the development and council should provide a higher proportion of costs given that the pedestrian crossing over the creek hinges on the completion of the Wedge street link, which ultimately provides net community benefit to the broader neighbourhood rather than the DPO area.</p> <p>The proximity of the development of the Kyneton Activity centre, the relatively small number of lots proposed in the DP and the lower likelihood of the footpath use among residents, versus the benefit a complete footpath connection will provide to residents of Wedge street to the south and surrounding areas must be council's primary consideration when assessing future development contributions. Based on this reasoning, council must provide a contribution to a crossing that is proportionate to the overall benefit provided to the broader neighbourhood utilising the Wedge street footpath and a developer contribution based only on the low level of use by residents of the development.</p> <p>Any contribution to a creek crossing can only be request upon completion of the Wedge street footpath.</p>
--	---

STORMWATER/DRAINAGE

<p>7. Referring to the submitted Stormwater Management Strategy report, prepared by Tomkinson, the report did not consider the entire Area A in the Development Plan. Only 1.97ha out of the total 2.65ha was considered. The design of raingarden and sedimentation basin must also consider 88 Wedge St.</p>	<p>The 88 & 90 Wedge Street property combine for a total area of 2.50ha. However, for the Catchment analysis only the flows that have been altered by the development have been considered (1.52ha). The flows in the remaining areas are to remain unchanged and discharge as existing into either the Wedge Street or Post Office Creek networks as per existing conditions.</p>
<p>8. The stormwater management strategy submitted with the Development Plan application does</p>	<ul style="list-style-type: none">○ The stormwater management report has been updated to include how stormwater will be treated



<p><i>not address the requirements of Schedule 17, which requires details of how stormwater will be treated during the construction and interim stages of development. Direction should be provided to guide future planning permit conditions. Further, the details regarding the size and location of drainage reserves or details about discharge across the site boundary. (It is noted some of these details are provided at high level within the landscape plan, however, no specifics are provided.)</i></p>	<p>during construction and interim stages has been provided in the SWMP.</p> <ul style="list-style-type: none">○ The plans provided have been updated to include all detail surrounding discharge and drainage reserves
<p>9. <i>Please provide the MUSIC/design parameters file for Council review. The report doesn't provide details of the model to enable review. The proposed raingarden and sedimentation basin relies on over-compensation to cater for areas not captured/treated.</i></p>	<p>Updated MUSIC model provided with this submission – Refer to document link provided.</p>
<p>10. <i>An existing network of open drains are located in the east-west and north-south unmade road reserves surrounding Development Plan Area A. Please outline if the SWMP considered applicable external catchments where the drainage system has catered for all flows up to 1% AEP event.</i></p>	<p>The external catchments have been considered and included in the stormwater management report.</p>
<p>11. <i>Detail how has the drainage system been designed to bypass external flows away from the proposed raingarden and sedimentation basin.</i></p>	<p>SWMP details how swales and existing table drain network will be used to bypass external flows around the raingarden and sedimentation basin.</p>
<p>12. <i>The location of the raingarden, shelter/rotunda and picnic equipment have been proposed in the proposed reserve that is subject to inundation. Demonstrate how risk of damage in times of inundation has been considered. The impact on the riparian area of the waterway needs to be considered regarding downstream impacts.</i></p>	<p>Commentary regarding the management of risk during times of inundation have been added to the SWMP.</p>



<p>13. <i>Limited consideration or analysis has been provided for stormwater management during the construction or interim stages of development. The plan submitted details the volumes and pollutant loads for stormwater leaving the site post development. The various stages should be clearly provided within the plan.</i></p>	<p>As outlined in the SWMP the sedimentation will be constructed early in the development to provide detention for flows during construction. All sediment will also be captured by this temporary basin and be disposed of appropriately as detailed in the stormwater management report.</p>
<p>14. <i>An overall management plan is required for the riparian zone along the north bank of the Post Office Creek. This should not only detail weed management (as submitted), but also detail any specialist habitat areas, stabilisation of the bank and overland drainage, ongoing vegetation management (including weeding and additional planting of indigenous plants). This management plan should include how the area is to be maintained, how ongoing maintenance will be financed and a regular review period the area once every five years to ensure that the creek bank is being maintained appropriately.</i></p>	<p>This response is provided pending completion of the creek management plan which is currently in development in accordance with the requirements of the request.</p> <p>It should be noted that while the management plan is subject to review and comment by council, the future management of the reserve in accordance with the plan will ultimately fall to council as the plan relates to land outside the DP area. It is considered that the ongoing management of the creek reserve cannot be defined as infrastructure reasonably required for the development of the site, therefore the future developer of the site cannot be burdened with the repatriation and ongoing management of the creek reserve and any financing of management and/or revegetation measures must fall to council.</p> <p>Council should consider available future resourcing opportunities when considering the extent of ongoing management regimes along the creek.</p>
<p>15. <i>The plan does not identify the land set aside for drainage purposes, nor does it detail the size and location of the drainage reserves or system components. Most importantly is does not provide details (location and method) about discharge across the site boundary. It should be noted that that some of the drainage details are provided in the landscape plan submitted, however, these should form part of the Stormwater Management Plan.</i></p>	<p>The Stormwater Management Plan has been updated to include the relevant details surrounding the drainage reserve and system components.</p>
ENVIRONMENT	
<p>16. <i>The following outcomes should be responded to:</i></p>	



<p>a. <i>Justification for removing Tree Group 74? Within Open Space area.</i></p>	<p>Removal of most planted vegetation in tree group/row 74 will be required to facilitate construction of the court bowl, proposed lot 18 and pathway linkage into Area B (as requested by council). However, any vegetation remaining within the tree row 74 that is not impacted by boundary fencing, the court bowl or pathway link may be retained within the reserve for its continued contribution to biodiversity and amenity.</p> <p>Any removal of vegetation in tree row 74 will not require a planning permit for removal as a result of its status as planted vegetation.</p> <p>Detailed designs and additional detail on trees within the groups prepared as part of future planning permit applications may confirm where planted vegetation may be retained, if practicable.</p>
<p>b. <i>Justification for removing a portion of Tree Group 76 and 77? All within Open Space area.</i></p>	<p>Not unlike tree row/group 74, removal of vegetation within tree group 76 and 77 is required to facilitate construction of lots and the pathway link as proposed within the landscape plan.</p> <p>All vegetation within lot 17 falls within the developable area of the lot and unable to be retained without compromising the building envelope size.</p> <p>Given that the size of the building envelope on lot 18 is impacted by setback requirements, there are no feasible opportunities to further reduce its size and/or adjust proposed boundary locations to minimise vegetation impacts as doing so will compromise the developability of the lot.</p> <p>Any vegetation remaining within the tree row 76/77 that is not impacted by boundary fencing, the court bowl or pathway link may be retained within the reserve if practicable.</p> <p>Any removal of vegetation in tree row 76/77 will not require a planning permit for removal as a result of its status as planted vegetation.</p>
<p>c. <i>Tree 48 – River Red Gum – can this be incorporated into the road design?</i></p>	<p>Tree 48 is unable to be accommodated within the subdivision layout due to encroachment of boundary fencing and the proposed road location into its TPZ. Given the 16m lot widths and council's opposition to narrower lots, no further opportunities exist to widen the road reserve to accommodate the tree. Furthermore, noting the substantial size of the River Red gum at maturity and high potential for dropping limbs, the tree will begin to</p>



	<p>present a safety hazard for residents of lot 6 and within the development and its retention should be avoided.</p> <p>Removal of Tree 48 will be offset by street tree plantings as proposed by the Landscape concept plan.</p>
<p>d. <i>Tree 66 – Apple – Close to waterway – remove</i></p>	<p>The trees identified will be removed as requested by council. In the event the development plan is approved, future planning permit conditions should specify this requirement.</p>
<p>e. <i>Tree 114 – Golden Ash – Close to waterway – remove</i></p>	
<p>f. <i>Can there be any further retention of mature and semi mature exotic or native trees within the designed building envelopes?</i></p>	<p>All vegetation within proposed lots will be located within the developable area of the lots and/or affected by building envelope locations. No further opportunities exist to retain semi mature exotic or native trees with lots without compromising their developability.</p> <p>It should be noted that given the proposed lot sizes and resulting garden areas, retention of existing planted exotic and/or planted vegetation is not practical given the resultant sizes of many trees which when they reach maturity will inevitably lead to issues around encroachment on boundaries and dwellings, causing overshadowing and safety issues and simply encroaching on private open space. For example, noting the presence of Cut Leaf Plane trees, Pin oaks and Cypress trees in developable areas, all of these trees are capable of reaching heights of over 20m and spreads of up to 14m rendering them an unpractical and unsafe choice for the resulting urban setting and the proposed lot sizes.</p>
<p>g. <i>The retention of mature/semi mature trees will assist in soil stability and avoid erosion issues into the creek and provide established vegetation within the development area.</i></p>	<p>All vegetation within the proposed reserve area will be retained where practicable. It is considered that the retention of a minimum 39 trees within the reserve area will provide for soil stability and reducing erosion, particularly as their retention and ongoing maintenance will allow them to mature and provide for an even greater contribution to reducing erosion and waterway health.</p> <p>The proposed layout and reserve provide for the retention of vegetation to the greatest extent possible without compromising the developable area and future provision of infrastructure. Furthermore, any areas subject to erosion risk within the reserve area will be revegetated in accordance with the revegetation measures of the landscape concept plan that accompanies the Development Plan, providing for an overall increase in erosion control and soil stabilisation measures otherwise unavailable to this section of Post Office creek.</p>



	<p>It is impractical and unsafe to retain existing vegetation within lot areas as the trees will become too large to be practically accommodated within garden areas.</p>
<p><i>h. The retention of additional trees is recommended due to the large quantity of removal required for this application and for the reasons stated above.</i></p>	<p>As noted above, additional vegetation within tree group 74 and 77 may be retained if practicable. However, no Clause 52.17 requirements will apply to their removal should it be required.</p> <p>Note that additional indigenous trees, grasses and shrubs will be planted in accordance with the Landscape concept plan providing for an overall increase in vegetation within creek buffers and road reserves, offsetting the removal of the planted vegetation within developable areas.</p> <p>All revegetation will correspond with the relevant EVC for the area, thereby providing for increased chances of survival and more appropriate as habitat for local wildlife. Based on this reasoning, it is considered that the Development plan and future development of reserve will provide a net benefit in terms of providing native vegetation and does not require any further measures to minimise vegetation loss.</p>
<p><i>17. Although the ecology report submitted provides details about weed management now and into the future for the Past Office Creek area, no overall management plan has been provided to articulate how the north bank of the Creek will be maintained. This should include any specialist habitat areas, stabilisation of the bank and overland drainage, ongoing vegetation management (including weeding and planting of indigenous plants), etc. This management plan should include how the area is to be maintained and a regular review period of the area once every 5 years to ensure that the Creek bank is being maintained appropriately.</i></p>	<p>A response to this item will be provided in the form of the Riparian Management Plan requirement of the DPO as discussed in item 14 response above. This response is provided pending completion of the management plan which will be provided to council in due course.</p>

We trust that the information provided satisfactorily responds to council's request (pending additional plans to be provided). If you have any queries or require clarification of the above, please do not hesitate to contact our Bendigo Office.

Yours Sincerely,

Ben Yates

Senior Urban and Regional Planner