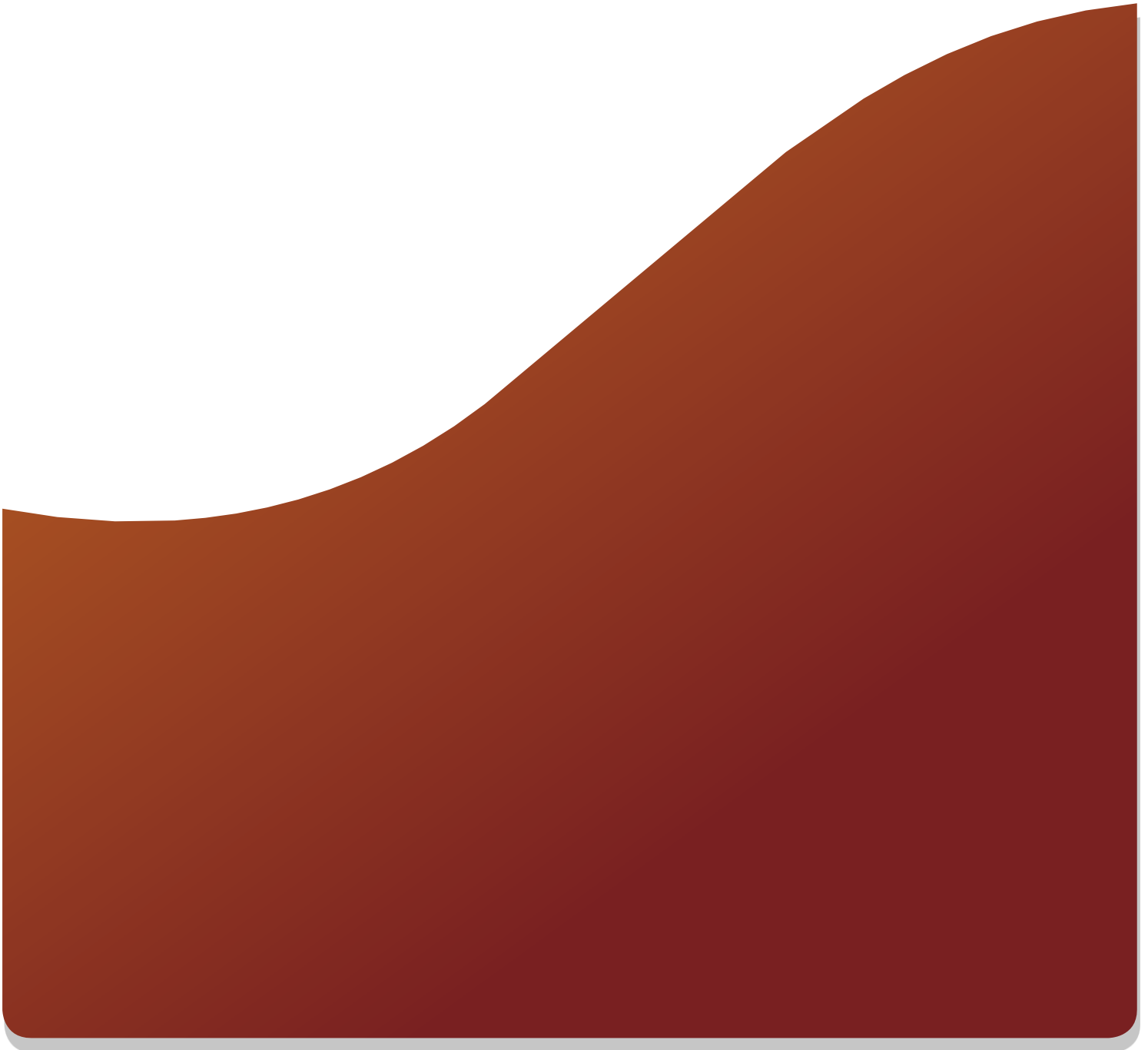


Agenda

**Planning Delegated Committee Meeting
Wednesday 12 April 2023 at 7pm
Held online and livestreamed at [mrsc.vic.gov.au](https://www.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 is being 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

4 APOLOGIES

5 CONFLICTS OF INTEREST

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

Recommendation

That the Committee confirm the minutes of the Planning Delegated Committee of Macedon Ranges Shire Council held on 9 March 2023, as circulated.

8 HEARING OF SUBMITTERS

8.1	HEARING OF SUBMITTERS - PLN/2022/421 - SIXTY FIVE (65) LOT SUBDIVISION, NATIVE VEGETATION REMOVAL, AND REMOVAL OF EASEMENTS E-1 AND E-4 - 85 HARPERS LANE, KYNETON
Officer:	Damien Hodgkins, Senior Statutory Planning Officer
Attachments:	Submissions (under separate cover)

Summary

To hear from submitters in relation to Planning Application PLN/2022/421, regarding the proposed Sixty Five (65) Lot Subdivision, Native Vegetation Removal, and Removal of Easements E-1 and E-4.

Recommendation**That the Committee:**

- 1. Notes the submissions received in relation to Application for Planning Permit PLN/2022/421 for Sixty Five (65) Lot Subdivision, Native Vegetation Removal, and Removal of Easements E-1 and E-4; and**
- 2. Requests 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 10 May 2023.**

Background

The subject land is a large rural parcel of 24 hectares located on the eastern side of Harpers Lane in Kyneton South, around 1.3 kilometres south of the Kyneton town centre and south of the Campaspe River. This site forms part of an area between Harpers Lane, Lauriston Reservoir Road, Trentham Road and Kyneton Spring Hill Road. The Kyneton railway station is located 300m to the east of this site, whilst the Campaspe River is around 400m to the north with the main township of Kyneton to the north side of the river. The site is mainly comprised of open paddocks other than a number of large old native trees and varies between gentle and more heavily sloped areas. A mapped waterway within the south and west of the site comprises an overland flow path.

Surrounding properties vary mainly between larger farming parcels and smaller rural residential and low density residential properties other than a number of industrial premises along the south side of Lauriston Reservoir Road to the north-east of the site near the Kyneton station, including an adjacent industrial property currently in use for a steel engineering operation. A number of dwellings on surrounding properties are situated within 20m to 100m from the subject land.

Summary of proposal

The current proposal comprises a subdivision of the land into 65 lots (previously 87 as noted above), along with the removal of easements, and the removal of native vegetation. The proposed subdivision would create 65 lots of which 23 would be greater than 3000m² in size, with the remaining 42 lots proposed to be between 2000m² and 3000m² in size. Lots

abutting the perimeter of the site are all greater than 3000m² with the exception of one lot that would be 2996m² in area. Building envelopes are proposed for each lot along with vegetated planting buffers along the eastern and southern boundaries abutting existing dwellings. The subdivision would be serviced by sewerage connecting from the Kyneton township from the north. Four reserves are proposed comprising a 1.6 hectare reserve for public open space as well as including a stormwater detention basin adjacent to the western frontage to Harpers Lane (similar to the main reserve proposed in the original proposal), a 1.1 hectare reserve for public open space at the south-east corner of the subdivision, and smaller drainage/stormwater reserves within the southern and north-eastern portions of the subdivision layout. The road layout proposes two access points to Harpers Lane either side of the western reserve as well as future connections to land to the north and south sides respectively, with an internal layout including a connected roads other than two cul de sacs.

The revised subdivision layout now incorporates the retention of mature native trees entirely within reserves other than one tree proposed to be retained within a large lot, with one native tree located centrally within the site proposed to be removed along with two small patches of native grasses and herbs from within the Harpers Lane road reserve at the front of the site. Existing easements providing for overhead power lines are proposed to be removed as this infrastructure will be removed and replaced in servicing the proposed lots.

Planning permit trigger/s

Clause 32.03 – Low Density Residential Zone (LDRZ) - permit required to subdivide land.

Clause 42.01 – Environmental Significance Overlay (ESO4) – permit required to subdivide land.

52.02 – Easements, Restrictions and Reserves – permit required to remove an easement or restriction.

Summary of submissions

A total of 15 objections were received to this application. They are summarised as follows:

Objection/concern regarding application
<ul style="list-style-type: none"> • Premature and inappropriately sequenced development, and unacceptable requirements for Council to fund upgrading of existing infrastructure;
<ul style="list-style-type: none"> • Detrimental amenity impacts from noise, street lighting and visual impact of development;
<ul style="list-style-type: none"> • Increased traffic, safety concerns including nearby intersections and speed limits, Harpers Lane further south unduly narrow and unpaved and not proposed to be upgraded for increased traffic;
<ul style="list-style-type: none"> • Lack of on-street car parking limiting accessibility of roads;
<ul style="list-style-type: none"> • Preference for one road connection to Harpers Lane only, concern with dead end roads within subdivision layout;
<ul style="list-style-type: none"> • Pedestrian safety concerns, preference to avoid concrete footpaths along Harpers Lane and instead provide for formal pedestrian connection through internal roads and adjacent future subdivisions;
<ul style="list-style-type: none"> • Detrimental impacts to historic bluestone road pavement of Harpers Lane and objection to paved construction proposed;
<ul style="list-style-type: none"> • Inappropriate sized lots, preference for larger and less lots;

<ul style="list-style-type: none"> • Insufficient interface with surrounding properties and road frontage with unacceptable sized lots and density, number of driveways accessing Harpers Lane;
<ul style="list-style-type: none"> • Concern with building envelopes incorporating unduly short setbacks as well as allowing outbuildings to be constructed outside envelopes and closer to boundaries;
<ul style="list-style-type: none"> • Loss of vegetation (trees and grassland) inappropriate, preference for vegetated corridor through site;
<ul style="list-style-type: none"> • Buffer landscape along eastern boundary and Harpers Lane street tree planting inappropriate, alternative species suggested as appropriate for climate – varying preferences between exotic and native planting;
<ul style="list-style-type: none"> • Street lighting too dense and inappropriate for semi-rural locality;
<ul style="list-style-type: none"> • Concern with removal of power easement and existing connection for neighbours along with potential new alignment along Harpers Lane;
<ul style="list-style-type: none"> • Concern with new sewerage pipe proposed to be connected along Harpers Lane;
<ul style="list-style-type: none"> • Concern with flooding and drainage, with detrimental impacts to neighbours as well as future residents of lower lying lots within the proposed subdivision, disagreement with applicant’s drainage and flood modelling;
<ul style="list-style-type: none"> • Lack of consultation by the developer with neighbours and timing of application being submitted resulting in public notice being conducted during December;
<ul style="list-style-type: none"> • Preference for single storey development only and visual impact of undue density of development;
<ul style="list-style-type: none"> • Request for treatment of roofing and rooftop fixtures to be appropriate colours and non-reflective;
<ul style="list-style-type: none"> • Fencing preferred to be limited to rural post and wire or similar farm style fencing;
<ul style="list-style-type: none"> • Concern with mail box location and numbers on Harpers Lane; and
<ul style="list-style-type: none"> • Detrimental impacts to views to significant landscape features from neighbouring properties.
<ul style="list-style-type: none"> • Ensuring protection of existing driveways and that drainage and culverts are provided along Harpers Lane.

Officer declaration of conflicts of interest

All officers involved in preparing this report have declared that they do not have a conflict of interest relating to the subject matter.

9 REPORTS

9.1	REQUEST AUTHORISATION FOR A COMBINED PLANNING SCHEME AMENDMENT (C147MACR) AND PLANNING PERMIT APPLICATION PLN/2022/354 - BENETAS RETIREMENT VILLAGE, CORNER OF NEAL, ROBERTSON AND HAMILTON STREETS GISBORNE
Officer:	Leanne Khan, Coordinator Strategic Planning
Council Plan relationship:	1. Connecting communities
Attachments:	<ol style="list-style-type: none"> 1. Applicants planning report and submitted plans (under separate cover) 2. Planning Scheme Amendment documentation (under separate cover) 3. Draft Planning Permit for Exhibition ↓

Summary

Council has received a request from the owners of 5, 6 & 10 Neal Street, 80 Hamilton Street and 61 Robertson Street, Gisborne to rezone the part of land from the current Special Use Zone to the General Residential Zone and to remove the restrictive covenant that applies to the land.

The request also seeks a planning permit for the development of a retirement village, removal of native vegetation (one tree) and alterations to the access to a Transport Zone 2 (Principal road network). Section 96A of the *Planning and Environment Act 1987* provides the ability for a planning permit application to be considered concurrently with a planning scheme amendment.

Recommendation

That the Committee:

1. **Requests the Minister for Planning authorise preparation of Planning Scheme Amendment C147macr and Planning Permit PLN/2022/354 to the Macedon Ranges Planning Scheme pursuant to Section 9 of the Planning and Environment Act 1987.**
2. **Authorises Council officers to prepare Amendment documents for authorisation and exhibition of Amendment C147macr and Planning Permit PLN/2022/354, and**
 - (a) **Upon receipt of authorisation from the Minister for Planning, make any changes necessary to comply with conditions of authorisation**
 - (b) **Upon satisfaction of any conditions of authorisation, exhibit Amendment C147macr pursuant to section 19 of the Planning and Environment Act 1987.**

Background

An application under Section 96A of the *Planning and Environment Act 1987* was received on 6 August 2021 for the land at 5, 6 & 10 Neal Street, 80 Hamilton Street and 61 Robertson

Street, Gisborne. This section of the Act allows a combined planning scheme amendment and planning permit to be considered by Council and the Minister for Planning concurrently.

The application has been made at the request of the owners of the land (Anglican Aged Care Services Group trading as Benetas) and is considered a proponent led planning scheme amendment. The application lodged requests a rezoning from Special Use Zone (Schedule 4 – Private Hospital) to General Residential Zone (Schedule 1), the removal of a restrictive covenant and the development of a retirement village, removal of native vegetation (one tree) and alterations to a Transport Zone 2 (Principal road network). The applicants planning report and submitted plans are provided at Attachment One.

Over the last 18 months, Council officers have sought additional details and information from the applicant to provide sufficient support for the rezoning and planning permit application.

The site is the current location of the Gisborne Oaks Nursing Home (under redevelopment) and independent living units managed owned by Benetas.

A previous planning permit has been approved (PLN/2020/473) for the corner of Robertson and Neal Streets for “use and development of the land for a nursing home”. This use and development is a 92 bed nursing home, replacing the Gisborne Oaks Nursing Home. The building is proposed to be 8.112m high from the highest natural ground level, consisting of a two storey building and additional part basement level.

Discussion

The subject land is located to the west of the Gisborne town centre and will have easy access to shops, services and entertainment. The land is located where the former Gisborne and District Bush Nursing Hospital operated from and there is a number existing buildings on the land that were used for that purpose. Most importantly the use as a hospital has ceased operations from this site and was sold to Benetas in 2018.

Therefore, the existing zoning in place, Special Use Zone (Schedule 4 – Private Hospital), is no longer appropriate as the site does not use the land for private hospital purposes. The land known as 5, 6 & 10 Neal Street and 61 Robertson Street, Gisborne together with part of the Neal Street Road Reserve is proposed to be rezoned to General Residential Zone (Schedule 1).

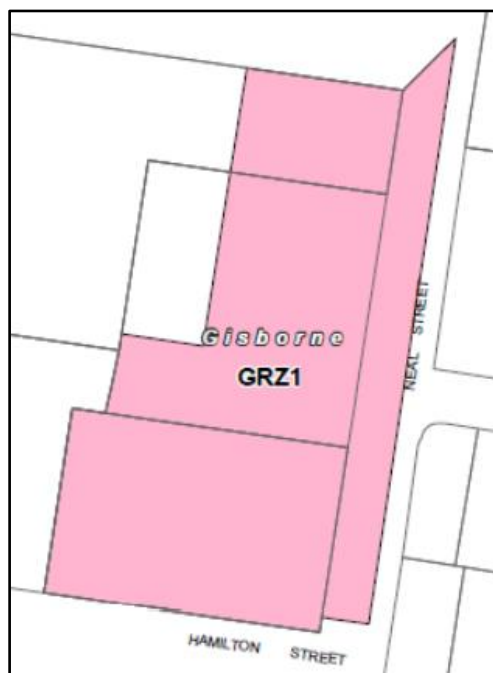


Figure One: Land subject to the proposed rezoning from Special Use Zone to General Residential Zone

The second part of the amendment seeks to facilitate the removal of the restrictive covenant from Lot 1 on Plan of Subdivision 205979T to which the amendment applies, by modifying the Schedule to Clause 52.02 of the Macedon Planning Scheme.

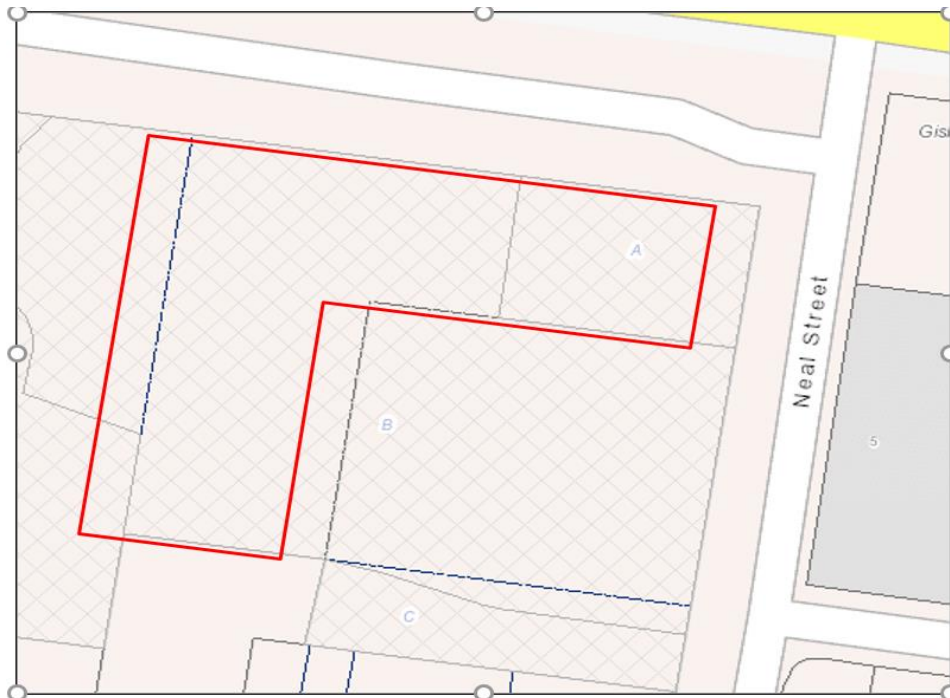


Figure Two: Land where the restrictive covenant applies.

This covenant currently restricts the land to be used for the purposes of only a ‘hospital, nursing home or similar use’. It also establishes that the land can only be used as a ‘public park’ if the land was not used for a ‘hospital, nursing home or similar use’ within a twenty year time limit from the transfer in 1987. Finally, the covenant also restricts any further subdivision, sale, transfer or otherwise method to dispose the said land.

The change to the planning scheme will make it possible for the owner of the land to lodge a plan of removal of restriction for certification under Section 23 of the *Subdivision Act 1988* showing the restrictive covenant as being removed. Upon that plan of subdivision being lodged and registered at the Titles Office, the restrictive covenant affecting the lot will be removed.

The amendment proposes to apply Schedule 1 to the General Residential Zone (GRZ1) that will replace the current Special Use Zone. The existing GRZ1 already exists within the Macedon Ranges Planning Scheme and already covers part of the site owned by Benetas. The amendment does not propose to make any other changes to the planning controls on the site, ensuring that the new development of the subject land continues to contribute to the character, streetscapes and gardens as an important part of the town’s attractiveness. Supporting documents for the proposed Planning Scheme Amendment (C147macr) are located at Attachment Two.

Benetas operates as one of the largest not-for-profit aged care providers in Victoria and as a not-for-profit organisation, all revenue generated is re-directed into the services Benetas provides to improve the lives of their clients. The rezoning of the subject site will enable Benetas to realise its vision to redevelop the site to provide housing for assisted living units and a retirement village including a communal clubhouse facility.

The development of the land as proposed under Stage 1 & Stage 2 will provide for an integrated retirement and aged facility that will allow for ageing in place and the ability for residents to move from independent living, to assisted living and then to more comprehensive care as provided in the Gisborne Oaks facility.

Planning Permit Application

The planning permit application seeks approval for the development of a retirement village and alterations to access to a Road Zone (Category 1).

The retirement village will be designed with a village green, including bowling rinks, with shared communal areas to activate this space. A further linear green space is proposed to be provided through the middle of the site to retain the existing mature trees.

It is proposed to construct two retirement village buildings that will be a three storey apartment style. These will be located in the central section of the site with Apartment Building 1 addressing Neal Street and Apartment Building 2 located to the rear of Apartment Building 1. These will accommodate 34 independent living units, undercroft car parking, storage areas for residents, clubhouse and consultation room (medical, beauty, hair, etc.).

In addition to these residential buildings, 46 retirement villas are proposed which will be orientated internally within the site. It is intended that this development will activate the interfaces and provide for high quality on-site and off-site amenity outcomes. These villas will consist of two and three bedroom units, with single and double garages. Eight of these retirement villas are proposed to be double storey and located within the centre of the site behind Apartment Building 2.

The proposed retirement village development incorporates a local access road throughout, with connections into Neal Street and Robertson Street. All vehicle crossovers to the retirement village lots will be via the new access roads. Seventeen (17) car parking spaces are indented and provide on the internal network.

The planning permit will also seek permission to remove a single tree under the native vegetation provisions. It is proposed to remove a Mountain White Gum (*Eucalyptus dalrympleana*) from the site. This will undertake further assessment by the Department of Environment, Energy and Climate Action (DEECA) to determine appropriate conditions as required.

A landscaping scheme has been selected which seeks to support the 'country town' character of Gisborne with sympathetic plantings of Oaks, Birches and Elm species together with a native tree canopy.

Lastly, there is also a requirement as part of the Planning Permit to consider access or alteration to a Transport Zone 2 (Principal road network). In this instance as part of the exhibition process the relevant road authority will be consulted.

A Draft Planning Permit – PLN/2022/354 has been prepared and forms Attachment Three to this report. The draft Planning Permit conditions address landscaping, building envelopes, ongoing operational requirements, mandatory road access conditions, Engineering and Projects Unit conditions, engineering plans, asset protection, site management, environmental management plan, construction management plan, and environmental health.

A Cultural Heritage Management Plan (CHMP) is required for the proposed development. This process has commenced, however, has not been finalised. Council cannot issue a planning permit for the development until the CHMP has been approved by the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (the Registered Aboriginal Party).

This does not stop the process from commencing and it is expected that the CHMP will be finalised well before Councils final consideration of the amendment and planning permit.

A referral process will be undertaken under the normal notice requirements for a planning scheme amendment. Referral Authorities will be notified of the amendment, and additional permit conditions can be added to the attached draft conditions at the conclusion of the notice period.

Overall, it is considered an appropriate use and development of the land, including the rezoning to General Residential Zone. Seeking authorisation from the Minister for Planning does not bind Council to any specific outcome at this time as further comments from the community, referral authorities and a planning panel will all assist with the final decision. As such Council will consider the rezoning application and the permit application at the conclusion of the public exhibition process, to consider moving this combined process to the next stage.

Combined Amendment Process

Figure Three below illustrates the Section 96A combined planning scheme amendment and planning permit process.

Step One - Lodgement	<ul style="list-style-type: none"> •Proponent requests amendment and combined planning permit, pays fee
Stage Two - Assessment	<ul style="list-style-type: none"> •Council officers assess the amendment request •Council officers may ask for more information •Once officers are satisfied with the amendment, the planning permit is assessed
Stage Three - Planning Delegated Committee	<ul style="list-style-type: none"> •Planning Delegate Committee considers requesting authorisation from the Minister for Planning for both the amendment and planning permit. •Draft amendment documentation and a draft planning permit is considered by Council •In doing so Council agrees that there is merit to; all or parts of the amendment
Stage Four - Authorisation	<ul style="list-style-type: none"> •Request authorisation from the Minister for Planning for both the amendment and the planning permit •The Minister may request changes to planning scheme amendment/permit documentation and provide conditions of authorisation
Stage Five - Public Exhibition	<ul style="list-style-type: none"> •Notification via mail and advertisement in local paper •All documentation is provided in relation to the amendment and planning permit •Notice in Government Gazette •Public submissions invited
Stage Six - Planning Delegated Committee	<ul style="list-style-type: none"> •To provide submitters the chance to address their submission
Stage Seven - Planning Delegated Committee	<ul style="list-style-type: none"> •Consider post exhibition changes in response to submissions •Submissions gathered by referral agencies and community to inform final planning permit conditions •Refer unresolved submissions to a Planning Panel •Review of amendment and planning permit
Stage Eight - Independent Planning Panel	<ul style="list-style-type: none"> •In the case of a proponent led Planning Scheme Amendment/planning permit – Council can choose to make a submission for or against the amendment (or parts)
Stage Nine - Scheduled Council Meeting	<ul style="list-style-type: none"> •Consider the Independent Planning Panel’s report •The report will provide recommendations on final planning permit conditions •Consider adopting the amendment and resolve to issue planning permit with or without changes
Stage Ten - Submit the amendment for approval and issues planning permit	<ul style="list-style-type: none"> •Minister for Planning will consider the amendment and planning permit with or without changes •Change to the Planning Scheme made when amendment appears in Government Gazette •Within seven days of approved amendment Council must issue the planning permit.

Figure Three: A Section 96A combined planning scheme amendment and planning permit process at Macedon Ranges Shire.

This amendment and planning permit request is at Stage Three, requiring a decision of the Planning Delegated Committee in order to commence the formal amendment process.

Consultation and engagement

If authorised by the Minister for Planning, statutory public exhibition of the combined amendment and planning permit will be conducted with all affected landowners, occupiers, referral authorities and the broader community as required by the *Planning and Environment Act 1987*.

Collaboration

In the preparation of this amendment Council has sought informal comments from the Department of Transport and Planning who have indicated in principle support for the amendment.

Innovation and continuous improvement

N/A

Relevant law

The requirements for a planning scheme amendment are set out in the Planning and Environment Act 1987 and its regulations.

This report does not have any direct or indirect human rights implications under the Charter of *Human Rights and Responsibilities Act 2006*.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

N/A

Relevant Council plans and policies

This report seeks to progress a priority in the Council Plan 2021-2031:

Strategic Objective 1 – Connecting Communities.

Integrate land-use planning and revitalise this underutilised site within the centre of Gisborne and responding to the housing needs of the ageing community.

Financial viability

The Planning and Environment (Fees) Regulations 2016 set out fees to be paid at each step of the Amendment.

Council's fact sheet, 'Private Sponsored Planning Scheme Amendments' sets out Council's expectation that all costs associated with the amendment will be payable by the applicant.

The Planning Permit application indicates that the overall cost of development on the site is approximately \$30 million. Economic modelling completed through Remplan in 2021, identifies that the development might bring an additional \$30 million in flow-on effects, including jobs and boosts to the local economy through local spend.

Sustainability implications

The amendment will have a positive social and economic impact on Gisborne by providing additional housing opportunities and the ability for some of the older Gisborne community members to 'age in place'. Gisborne has a critical shortage of residential aged care accommodation, which is expected to be alleviated with a number of facilities in different stages of the planning process. The amendment will allow for a more appropriate use and development of the subject land to meet the community's current and future housing needs.

The proposal includes a range of sustainability measures including solar panels, rain water tanks and energy efficient building materials.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.



Macedon Ranges
Shire Council

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PLANNING PERMIT

PERMIT NUMBER:	PLN/2022/354
PLANNING SCHEME:	Macedon Ranges Planning Scheme
RESPONSIBLE AUTHORITY:	Macedon Ranges Shire Council
ADDRESS OF THE LAND:	5, 6 & 10 Neal Street, 80 Hamilton Street and 61 Robertson Street, Gisborne Lot 1 on TP318877T, Lot 1 on TP 236007G, Lots 1 & 2 on TP 561612X, Lot 8 on LP058420, Part of land in Lot 1 on LP205979 and Part of Land in CP166202
THE PERMIT ALLOWS:	Use and development of land for a Retirement Village and ancillary Place of Assembly, Offices and Food and Drink Premises (Café), removal of native vegetation and alter an access to a road in a Transport Zone 2.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 1 Prior to the commencement of the development approved by this permit, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (b) Footpath alignments reviewed to ensure logical access and wayfinding.
 - (c) The amended landscape plan required by Condition 3 of this permit.
 - (d) The external lighting scheme required by Condition 4 of this permit.
 - (e) The waste management plan required by Condition 5 of this permit.
 - (f) The native vegetation offset calculation and evidence required by Condition 16 of this permit.
 - (g) The requirements of MRSC Engineering & Projects Unit Condition 20 of this permit.
- 2 The subdivision allowed by this permit and shown on the plans endorsed to accompany the permit shall not be amended for any reason unless with the prior written consent of the Responsible Authority.

Landscape Masterplan

- 3 Prior to the commencement of the development approved by this permit, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will

Date Issued: _____ **Signature of the Responsible Authority:** _____



PLANNING PERMIT

PLN/2022/354 CONDITIONS CONTINUED:

then form part of this permit. The landscape plan must be generally in accordance with the plan submitted with the application but modified to show:

- (a) Tree protection details for retained trees in accordance with Conditions 14 to 16 of this permit;
- (b) Details of for establishment and maintenance of plantings;
- (c) Landscape surface areas including garden bedding, lawn areas and other surface materials, in addition to edging to paved areas, and irrigation systems;
- (d) Details of all fencing, external furniture and structures;
- (e) Planting, fencing or other means for the visual screening of service infrastructure, goods and waste storage areas, and other service areas;
- (f) Construction details of fencing to be provided including fence heights;
- (g) Details of any earthworks including areas of cut and fill, and retaining walls; and
- (h) Street tree planting along the road frontages of the subject land without existing street trees in accordance with Council's Tree Management Policy 2019 and incorporating the following details:
 - (i) A survey of all existing vegetation and natural features;
 - (ii) Selected tree species to the satisfaction of Council's Open Space & Recreation Unit;
 - (iii) Advanced trees (minimum 1.6m height and 45 litre pot size) to be planted with a minimum 52 litre Greenwell water saver and three (3) hardwood stakes;
 - (iv) The locations and spacing of trees including offsets from crossovers; and
 - (v) The following notations:
 - Tree planting is to occur between April & September to maximise establishment and survival.
 - Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and 'as constructed' infrastructure.
 - Street tree locations are to be set-out and approved on site by the Council Landscape Officer prior to installation.
 - It is the responsibility of the contractor to confirm the location of all underground services prior to commencement of any excavation.
 - The approved landscaping must be implemented in accordance with the endorsed plans and thereafter maintained to the satisfaction of the Responsible Authority.

Date Issued:

Signature of the Responsible Authority: _____



PLANNING PERMIT

PLN/2022/354 CONDITIONS CONTINUED:

Lighting Plan

- 4 Prior to the commencement of the development approved by this permit, a lighting scheme must be submitted to and approved by the Responsible Authority. When approved, the lighting scheme will be endorsed and will then form part of this permit. The lighting plan must specify:
- (a) Location;
 - (b) Lighting types and any means of construction;
 - (c) Illumination levels and means of baffling appropriate for the lighting type to ensure avoidance of adverse effects to nearby residential properties and the river reserve; and
 - (d) Hours of operation of lighting. External lighting must be installed and operated in accordance with the plan to the satisfaction of the Responsible Authority.
 - (e) External lighting must be installed and operated in accordance with the plan to the satisfaction of the Responsible Authority

Waste Plan

- 5 Prior to the commencement of the development approved by this permit, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plan must specify:
- (a) Locations and dimensions of waste collection areas;
 - (b) Any means for screening of waste collection areas;
 - (c) The number of bins to be provided;
 - (d) Method of waste and recyclables collection;
 - (e) Hours of waste and recyclables collection;
 - (f) Method of presentation of bins for waste collection;
 - (g) Accessibility by waste collection vehicles; and
 - (h) Private collection contractors;
 - (i) The following notation:
 - Waste collection from the development must be carried out in accordance with the plan to the satisfaction of the Responsible Authority.

Retirement Village

- 6 The retirement village facility hereby approved must only be occupied primarily by persons meeting the relevant criteria for 'retirement' tenancy (as prescribed by the Macedon Ranges Planning Scheme and relevant retirement village legislation or regulations). The facilities provided within the retirement village including the clubhouse, café, bar, hairdressing and

Page 3 of 8

Date Issued:

Signature of the Responsible Authority: _____



PLANNING PERMIT
 PLN/2022/354 CONDITIONS CONTINUED:

beauty services, and otherwise must be operated for access by retirement village residents and visitors only and not for general public access.

- 7 Unless with the prior written consent of the Responsible Authority, the approved uses of the subject land must only be operated during the following times:

Use of land	Days and Hours of Operation
Place of assembly (Clubhouse)	Monday to Thursday – 8.30am to 9.00pm Friday to Sunday – 8.30am to 10.00pm
Food and drink premises (Café/Bar)	Monday to Thursday – 8.00am to 8.00pm Friday to Sunday – 8.00am to 10.00pm
Hairdresser/Salon	Monday to Friday – 8.30am to 6.00pm Saturday and Sunday – 8.30am to 5.00pm

General Amenity

- 8 Unless with the prior written consent of the Responsible Authority, deliveries and waste collection must only take place between the hours of 8am to 6pm between Monday to Friday, unless otherwise approved by the Responsible Authority.
- 9 The operator/s must ensure that overflow parking of vehicles owned and/or operated by retirement village residents, staff, and visitors, as well as delivery and waste collection vehicles are not parked within roads surrounding the subject land in a manner that is detrimental to the safe and efficient function of those roads as well as to the amenity of nearby residential properties. Staff accessing the subject land must do so in a manner that avoids detrimental amenity impacts to nearby residential properties.
- 10 The development and use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) Transport of materials, good or commodities to or from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) Presence of vermin.
- 11 External broadcasting of amplified music or sound is not permitted in conjunction with the operation of the uses permitted by this permit. Noise levels emanating from the premises must not exceed those required to be met in relevant Environment Protection Regulations under the Environment Protection Act 2017, to the satisfaction of the Responsible Authority.
- 12 Goods must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority. Provision shall be made for the appropriate storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.

Date Issued: _____ Signature of the Responsible Authority: _____



PLANNING PERMIT

PLN/2022/354 CONDITIONS CONTINUED:

- 13 No exterior plant equipment shall be placed on the roof of the development so as to be visible from nearby residential properties and public land, to the satisfaction of the Responsible Authority.

Tree Protection

- 14 Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the tree protection fencing must be erected to the satisfaction of the Responsible Authority in accordance with the approved tree protection zone(s). The fencing must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level, and include signage clearly marked "Tree Protection Zone – No Entry" on all sides.
- 15 Once erected and approved by the Responsible Authority, the tree protection fencing must be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority. Should temporary access be necessary within the Tree Protection Zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection such as bridging over with timber).
- 16 Unless with the prior written consent of the Responsible Authority, the following actions must not be undertaken in any tree protection zone as identified on the endorsed plan, to the satisfaction of the Responsible Authority:
- (a) Materials or equipment stored within the zone;
 - (b) Nothing is to be attached to any tree (including temporary service wires, nails, screws or any other fixing device);
 - (c) Open cut trenching or excavation works (whether or not for laying of services) undertaken within the zone;
 - (d) Changes to the soil grade level within the zone

MRSC Engineering & Projects Conditions

- 17 Prior to the commencement of works, an "Asset Protection Permit" must be obtained from Council for any of the following circumstances:
- (a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
 - (b) Occupying a road for works.
 - (c) Connecting any land to a stormwater drain.
 - (d) Opening, altering or repairing a road.
 - (e) Opening, altering or repairing a drain.
 - (f) Accessing a building site from a point other than a crossover.
 - (g) Construct/repair/widen/remove any crossover.

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Date Issued:

Signature of the Responsible Authority: _____



PLANNING PERMIT

PLN/2022/354 CONDITIONS CONTINUED:

- 18 Prior to the commencement of works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
- (a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
 - (b) Dust control;
 - (c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
 - (d) Where access to the site for construction vehicle traffic including parking will occur;
 - (e) The location of any temporary buildings or yards. Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.
- 19 Prior to the occupation of the development and the commencement of use, the development is to be provided with a drainage system to a design approved by the Responsible Authority and such that:
- (a) The development as a whole is provided with legal point/s of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.
 - (b) Stormwater runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.
 - (c) All stormwater drains required to the legal point of discharge and which passes through lands other than those within the boundaries of the development must be constructed at no cost to the Responsible Authority.
 - (d) Details of stormwater detention system to ensure 10 year ARI post-development flows are restricted to pre-development level.
 - (e) Gross Pollutant Trap (Details is required to be accepted by Catchments Authority).
 - (f) Stormwater quality treatment system that meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). Alternatively, a payment of a stormwater quality offset contribution may be made to the Responsible Authority.
- 20 Prior to the occupation of the development and the commencement of use, the areas set aside for the parking of vehicles and access driveways as shown on the endorsed plans must be:
- (a) Constructed in concrete or asphalt to the satisfaction of the Responsible Authority.
 - (b) Properly formed to such levels that they can be used in accordance with the plans.
 - (c) Drained and maintained.
 - (d) Marked to indicate each car space and all access lanes.

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Date Issued:

Signature of the Responsible Authority: _____



PLANNING PERMIT

PLN/2022/354 CONDITIONS CONTINUED:

- (e) Clearly marked to show the direction of traffic along access lanes and driveways. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
- 21 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) Responsible Authority.
- 22 At least 14 days prior to commencement of works, a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:
- (a) Name and contact details of appointed Civil Contractor and Superintendent.
 - (b) Existing condition survey of all existing assets including private properties.
 - (c) Construction Management Plan.
 - (d) Traffic Management Plan.
 - (e) Occupational Health & Safety and Job Safety Analysis Plans.
 - (f) Council issued Asset Protection Permit.
 - (g) Council approved Engineering Plans.
- 23 Prior to the commencement of works, Engineering Plans must be submitted to and approved by Responsible Authority. The plans must include:
- (a) All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.
 - (b) Details of any cut and fill earthworks including retaining walls.
 - (c) Fully sealed pavements with edge strips or kerb and channel where appropriate.
 - (d) Underground drains incorporating features to prevent litter, sediments and oils from entering the drainage system and/or cut-off drains to intercept stormwater run-off from adjoining properties.
 - (e) Water sensitive urban design measures.
 - (f) Provision for all services and conduits (underground) including alignments and offsets.
 - (g) Provision of public street lighting and underground electricity supply within all streets and reserves where appropriate.
24. Prior to the occupation of the development and the commencement of use, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.



PLANNING PERMIT
 PLN/2022/354 CONDITIONS CONTINUED:

MRSC Environment Conditions

25. TBC

Department of Transport & Planning Conditions

26. TBC

Department of Environment, Energy & Climate Action

27. TBC

Coliban Water Conditions

28. TBC

Expiry

29. This permit will expire if one of the following circumstances applies:

- (a) The development is not commenced within two (2) years of the date of this permit.
- (b) The development is not completed within four (4) years of the date of this permit.
- (c) The use is not commenced within two (2) years of the completion of the development.
- (d) The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

DRAFT

Date Issued:

Signature of the Responsible Authority: _____

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit, or
- if no date is specified, from:
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the tribunal, or
 - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
 - the development or any stage of it does not start within the time specified in the permit, or
 - the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of land expires if:
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the completion of the development, or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision:
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

- The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in such case, no right of appeal exists.
- An appeal must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
- An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- An appeal must be made on a Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the prescribed fee.
- An appeal must state the grounds upon which it is based.
- An appeal must also be served on the Responsible Authority.
- Details about appeals and fees payable can be obtained from the Victorian Civil and Administrative Tribunal. The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne, 3000. The telephone number is (03) 9628 9777. Internet www.vcat.vic.gov.au.

Planning and Environment Regulations 1987

DRAFT

9.2	REQUEST AUTHORISATION FOR A PLANNING SCHEME AMENDMENT C148MACR - AMESS ROAD PRECINCT STRUCTURE PLAN
Officer:	Jack Wiltshire, Strategic Planner
Council Plan relationship:	2. Healthy environment, healthy people
Attachments:	1. Draft Amess Road Precinct Structure Plan (under separate cover) 2. Draft Development Contributions Plan (under separate cover) 3. Planning Scheme Amendment documentation (under separate cover)

Summary

Council has received a request from the majority landowner of the Amess Road Urban Growth Zone precinct, to commence a planning scheme amendment process. The planning scheme amendment process will seek to incorporate the Amess Road Precinct Structure Plan, the Development Contributions Plan and make other associated changes to Macedon Ranges Planning Scheme to enable the development of the Amess Road precinct.

Recommendation

That the Committee:

- 1. Notes the submission received containing 1231 signatures;**
- 2. Requests the Minister for Planning Minister authorise preparation of Planning Scheme Amendment C148macr to the Macedon Ranges Planning Scheme pursuant to Section 9 of the Planning and Environment Act 1987; and**
- 3. Authorises Council officers to prepare amendment documents for authorisation and exhibition of Amendment C148macr:**
 - (a) Upon receipt of authorisation from the Minister for Planning, make any changes necessary to comply with conditions of authorisation; and**
 - (b) Upon satisfaction of any conditions of authorisation, exhibit Amendment C148macr pursuant to section 19 of the Planning and Environment Act 1987.**

Background

The Riddells Creek Structure Plan was adopted by Council in 2013 and implemented by Planning Scheme Amendment C100 in June 2017. Both the Riddells Creek Structure Plan (Structure Plan) and Planning Scheme Amendment C100macr (C100) were developed in consultation with the community over a three year period including the formal exhibition of C100 during September – October 2015.

The Structure Plan designates the Amess Road precinct as a priority residential development precinct. The Amess Road precinct is approximately 130 hectares generally bounded by Kilmore Road, Amess Road, land to the east of Wohl Court and south of Frost

Lane in Riddells Creek. Amendment C100 rezoned the precinct in June 2017 from Rural Living Zone, Schedule 1 (RLZ1) to Urban Growth Zone (UGZ).

Before development of the Amess Road precinct can occur, the UGZ requires a precinct structure plan (PSP) and associated documents be prepared and implemented through a planning scheme amendment. Development of the Amess Road precinct will be guided by the PSP and associated changes to the Planning Scheme. A PSP provides a 'blueprint' for development and infrastructure investment that will occur over many years.

Preparing and finalising the Amess Road PSP is critical to ensuring Riddells Creek has an adequate supply of land to meet the current and future housing needs of the community.

Past Steps and process

Council Officers have been working with the applicant since 2018 to prepare the draft Amess Road PSP and associated documents.

At the Ordinary Council Meeting of 26 June 2019, it was resolved that Council:

- 1. Undertakes informal public consultation on the draft document/s related to a proposed Precinct Structure Plan (PSP) for the area currently zoned Urban Growth Zone in Riddells Creek for a four-week period commencing in September 2019;**
- 2. Requires informal consultation to comprise letters sent directly to landholders inside the Riddells Creek township boundary, promotion of the draft documents referred to above, information about PSPs in general and information on processes involved in PSPs to be communicated in local newspapers and include a community information session;**
- 3. Require the community information session to comprise a presentation from the developer and/or Council officers about the proposal, following by the opportunity for questions/ answers from any community members who may attend the session.**
- 4. Requires the outcome of consultation to be reported back to Council by no later than the February 2020 Ordinary Council meeting.**

Council undertook community consultation in September 2019 on a draft concept plan prepared by the proponent for the proposed Amess Road PSP and information about the precinct structure plan process. Results from the consultation were analysed and a report was prepared for the 26 February 2020 Ordinary Council Meeting.

Council received 238 written submissions in response to the community consultation process.

At the Ordinary Council Meeting of 26 February 2020, it was resolved that Council:

- 1. Thank submitters for their involvement in the consultation process and inform them of the next steps regarding the Amess Road Precinct Structure Plan.**
- 2. Advise Sector Advantage that feedback has been received from the community and recommend that before lodging a formal request for a planning scheme amendment a draft Precinct Structure Plan is prepared incorporating the following:**
 - a) A monitoring and review framework**

- b) **A governance planning statement aligning service providers and agencies regarding their commitments toward infrastructure and services**
- c) **Objectives, requirements and guidelines as summarised in Attachment One of this report.**

In February 2020, a formal request to amend the Macedon Ranges Planning Scheme to incorporate the Amess Road PSP was lodged. Council officers continued to work with the applicant and referral authorities regarding the draft Amess Road PSP documents.

Following a resolution at the 23 June 2021 Scheduled Council Meeting a report was tabled at the 25 August 2021 Scheduled Council Meeting which outlined options to progress the PSP for the Amess Road precinct. At this meeting it was resolved that Council:

1. **Notes the options outlined in this report.**
2. **Notes that the Victorian Planning Authority will not become the planning authority on this matter**
4. **Adopts option one in the report as the approach to progress and implement the Amess Road Precinct Structure Plan**
5. **Notify all landowners within the Amess Road precinct of this decision.**
6. **Ensure the Riddells Creek community is provided quarterly updates on the progress of the Amess Road Precinct Structure Plan.**
7. **Request the Chief Executive Officer to explore opportunities for the Victorian Planning Authority to provide assistance that supports the progress and implementation of the Amess Road Precinct Structure Plan through its Streamlining for Growth program or other available grants, including, but not limited to funding and providing technical assistance with the Riddells Creek Movement network study (gap analysis) and a review of the Riddells Creek structure plan with a specific focus on the quantum of land identified for future residential development and the community infrastructure required to support the future growth of Riddells Creek.**
8. **That before any application for assistance to the Victorian Planning Authority is submitted that a report be presented to a Scheduled Council Meeting or Planning Delegated Committee for Council to consider the request.**
9. **Requests the Chief Executive Officer to bring a report to the November 2021 Scheduled Council meeting outlining the current status of the Riddells Creek Movement Study as funded in the FY21 Budget.**

Work continued on the technical documents and overall PSP during the remainder of 2021 with updates provided to subscribers to the project email updates register. This work continued into 2022.

The proponent undertook consultation with the community in July 2022. The proponent held a series of community engagement sessions with the results summarised in a community consultation report. This report has been reviewed and considered by the proponent and enabled them to build on established key ideas and fed back into the draft Amess Road PSP.

In response to the community feedback on the impacts on the town centre, the proponent has prepared the 'Riddells Creek Town Centre Opportunities Summary Paper (November

2022)'. The document outlines possible responses to options and opportunities for township arrival, streetscapes, walking and cycling improvements, key infrastructure upgrades and future land use. The report will be used to support the outcomes of the Riddells Creek Movement Network Study, which along with a Town Centre Master Plan, are key actions outlined in the Riddells Creek Structure Plan to support the growth of the town.

The proponent has also responded to community concerns relating to housing diversity with the preparation of 'Providing housing choice and supply for a sustainable Riddells Creek – Delivering the Amess Road PSP (October 2022)'. The report identifies that there is somewhere between 6-9 years of land supply currently available in Riddells Creek which is well below the 15 years supply supported by State Government Policy.

A set of revised draft PSP documents were received by Council officers in February 2023 which are the documents considered in this report. The draft Amess Road PSP documents contain a review and monitoring framework.

Discussion

Before development of the Amess Road precinct can occur, the UGZ requires a PSP and associated documents be prepared and implemented through a planning scheme amendment.

The draft Amess Road PSP (Attachment One) has now reached a stage where officers believe it is appropriate to progress it to the planning scheme amendment process so it can be tested with the community, stakeholders, authorities and through a planning panel process.

Policy Context

Riddells Creek is identified in the Macedon Ranges Planning Scheme as district town that has capacity for moderate growth due to its position on the railway line and relative absence of growth. Riddells Creek has a defined protected settlement boundary. Riddells Creek is identified to remain as a district town but with a population at the cusp of a large district town, around 6000 persons.

It is noted that the adopted Riddells Creek Structure Plan and the Riddells Creek Strategic Framework Map included in the Planning Scheme depict two significant growth areas for Riddells Creek that provides sufficient land within the protected settlement boundary to enable a future population of Riddells Creek well beyond its current district town designation. The Planning Panel report for Amendment C100 highlighted this point and suggested that the Structure Plan would enable a future population beyond the current district town designation.

The draft Amess Road PSP, draft Amess Road DCP and proposed Amendment C148 is considered consistent with a range of key policies outlined in the Macedon Ranges Planning Scheme these include:

- Clause 21.09-1 – Housing in Towns, Objective 1
To provide for responsive and affordable housing and a diversity of lot sizes and styles to meet the requirements of all age groups, household types, lifestyles and preference.
- Clause 21.09-1 – Housing in Towns, Objective 2
To ensure housing development is considerate of its environment and local servicing capacities.
- Clause 21.13-5 – Riddells Creek, Objective 1

To provide for managed growth of Riddells Creek by prioritising growth within the identified town boundary and within the protected settlement boundary applied by the Macedon Ranges Statement of Planning Policy, 2019, and managing staged greenfield growth in the priority residential development precinct.

- Clause 21.13-5 – Riddells Creek, Objective 3

To provide attractive, safe and functional open spaces, including a network of trails and paths, particularly on existing waterways that integrate with the township.

- Clause 21.13-5 – Riddells Creek, Objective 5

To increase the range of housing options available to cater for the longer term needs of the Riddells Creek community.

The draft Amess Road PSP will provide important land to provide housing supply for Riddells Creek for the short to medium term as envisioned by the Macedon Ranges Planning Scheme. It will also enable a process to provide resolution for landholders within the Amess Road precinct by introducing the planning controls to enable the housing development within the Riddells Creek protected settlement boundary and within the priority residential development precinct.

The draft Amess Road PSP in its current form would accommodate in the order of 1,300 dwellings and around 3,500 new residents (based on 2.8 persons per household). It will seek to emphasis high quality neighbourhood design, service provision, public realm including streetscapes and open space, and the retention and protection of natural features.

It is acknowledged that there are ongoing concerns within parts of the community around the number and size of lots proposed under the draft Amess Road PSP. The draft Amess Road PSP has a focus on high quality public realm outcomes with elements of the plan, the streetscapes, street cross sections, open space networks, connectivity, and community infrastructure will ensure it responds positively to the existing character of Riddells Creek and its surrounds.

Draft Development Contributions Plan

The Amess Road Development Contributions Plan (DCP) is provided at Attachment Two. The DCP legally binds the developer and Council to fund and build the infrastructure required to support the precinct. It is identified that the draft Amess Road DCP does result in a significant obligation on Council for future funding of some key infrastructure items including the proposed active open space area and community facility. There are also concerns in regards to the draft DCP around the equity and deliverability of some elements of the DCP particularly again in relation to the location of the active open space land and the community facility.

It is believed that these matters can be further explored and resolved through the planning scheme amendment process with the input from all landowners and the community. Alternative arrangements to the provision of the active open space and community facility can be considered through the amendment process including the consideration of collecting funds to enhance the existing sports precinct rather than investing in a new standalone facility.

Other matters that can be tested through the amendment process include ensuring equity of the plan for all landowners within the precinct including the, delivery of the unencumbered open space and the feasibility of the intersection at Kilmore Road/Gyro Close. These are issues that Council will further test with landholders. the community and the independent planning panel, through the exhibition process.

Amess Road Precinct Structure Plan Amendment – C148macr.

The amendment proposes to rezone the Amess Road precinct to Urban Growth Zone Schedule 1 (UGZ1) to facilitate the development of land in accordance with the PSP to help accommodate urban growth within Riddells Creek. The amendment also makes other consequential changes to the Macedon Ranges Planning scheme to support the implementation of the PSP. The proposed amendment documentation is provided at Attachment Three,

More specifically, the amendment proposes the following changes to the Macedon Ranges Planning Scheme:

- Inserts Schedule 1 to Clause 37.07 Urban Growth Zone (UGZ1) and applies the Schedule to the entire PSP area to UGZ1.
- UGZ1 Inserts Schedule 3 to Clause 45.06 Development Contributions Plan to define development contributions for the precinct.
- Amends the Schedule to Clause 52.16 Native Vegetation to identify the NVPP in the Schedule.
- Amends the Schedule to Clause 52.17 Native Vegetation to identify native vegetation exempt from requiring a planning permit for its removal.
- Amends the Schedule to 53.01 Public Open Space Contribution and Subdivision to identify the public open space requirements of the PSP area.
- Amends the Schedule to Clause 72.03 to update what the Planning Scheme contains.
- Amends the Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme to incorporate the Amess Road Precinct Structure Plan, February 2023, the Amess Road Development Contributions Plan, February 2023 and the Amess Road Native Vegetation Precinct Plan, February 2023.

The next stage of a formal amendment process brings together the work to date and provides a statutory process to hear from the community and wider stakeholders including referral organisations. The authorisation of the amendment will also provide opportunity for the Minister for Planning to review the proposal prior to granting authorisation.

The Amendment Process

Figure One below illustrates a general planning scheme amendment process.

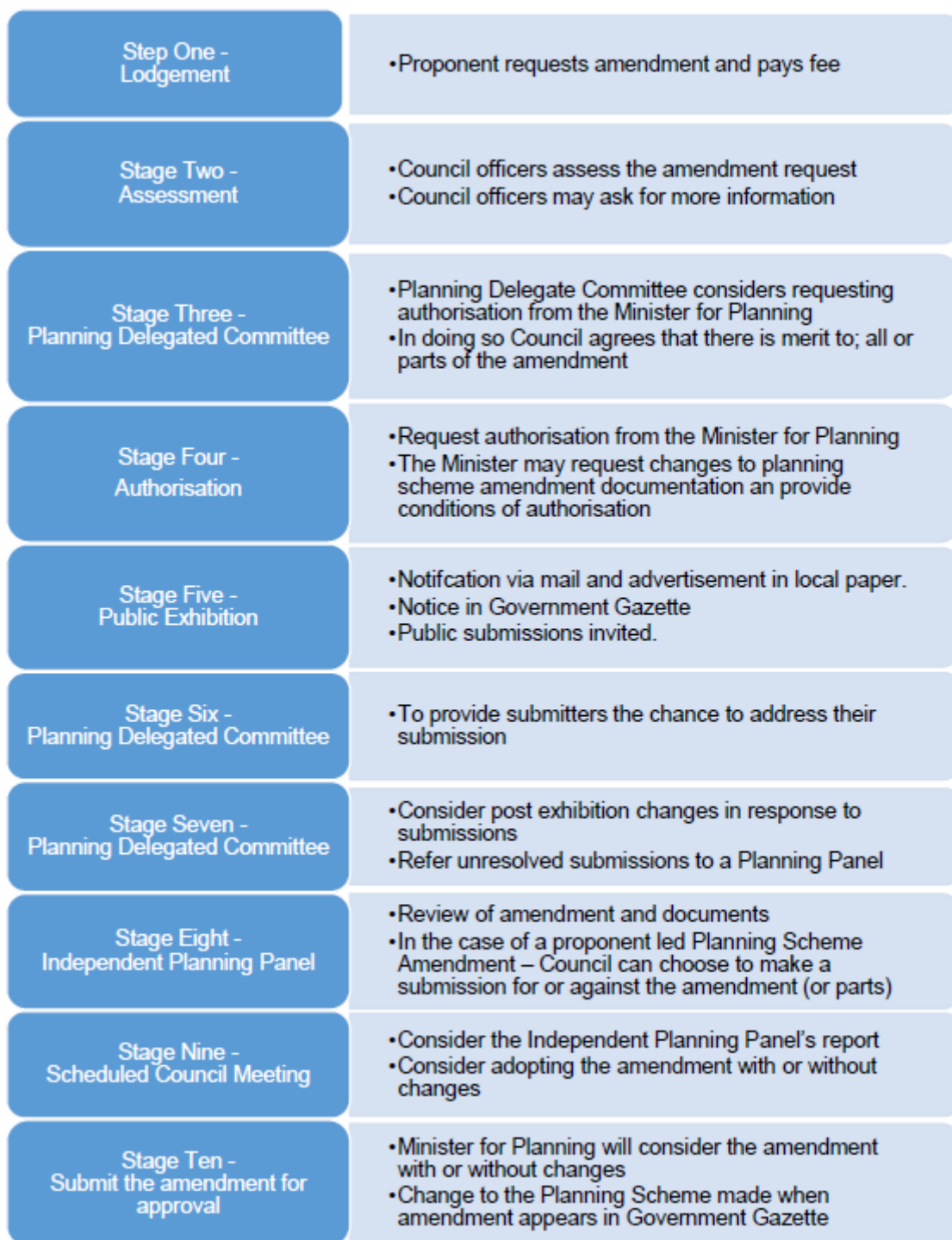


Figure One: A general planning scheme amendment process at Macedon Ranges Shire

This amendment request is at Stage Three, requiring a decision of Council in order to proceed with the amendment. By proceeding to request authorisation, Council agrees that there is merit to all, or parts of the amendment. Council through the amendment process has the ability to require changes to the amendment or determine to not progress the amendment if it felt this was appropriate to do so.

Progressing the amendment to the authorisation stage does not in itself imply that Council supports all elements of the draft Amess Road PSP and associated documents it simply

highlights that the amendment is sufficiently strategic justified to progress to the Minister for authorisation and then public exhibition.

Alternative Pathway for Amendment C148

The alternative pathway to Council progressing Amendment C148 is for the Minister for Planning, at the request of the applicant to the amendment, to progress the amendment using the Minister's powers under the Planning and Environment Act, 1987. In certain circumstances the Minister for Planning has the power to intervene by approving a planning scheme amendment or by advancing the progress of a planning scheme amendment either with or without any public exhibition of the amendment.

The Minister intervenes usually where there is a critical regional issue, in this case, an argument could be made that there is strong strategic justification under the Macedon Ranges Planning Scheme to implement the draft Amess Road PSP and that there is an increasing need for additional housing supply to be provided within Riddells Creek.

The applicant has provided a report indicating that there is approximately six to nine years of land supply currently in Riddells Creek. There is also evidence through the State's Urban Development Program that Gisborne and Kyneton have less than 10 years supply of residential land and it is well established that there is limited land supply remaining in Romsey.

The Minister also intervenes where issues have been reasonably considered and the views of affected parties are known, as well as when there are issues about fairness or matters of public interest. The applicant could use previous community engagement that both Council and they have run in regards to the Riddells Creek Structure Plan, Amendment C100, the draft Amess Road PSP to present an argument to the Minister that views of affected parties are known.

Consultation and engagement

Consultation has occurred during the following times in the preparation of the Riddells Creek PSP on an early draft in September 2019 and the applicant undertook consultation in July 2022 to help inform the finalisation of the draft.

Council recently received a submission containing a petition 1,231 signatures on 8 March 2023. The submission has been circulated to Councillors and relevant officers.

Consultation for the Amess Road PSP will also be occurring during the future planning scheme amendment which will formally allow the full set of reports, plans and technical documents to be reviewed by the community. Notice to directly impacted landowners and adjoining landholders will occur with wider notice to the community.

The matters raised will have a formal process to be reviewed by a planning panel which will guide Council's final decision on the proposal.

Collaboration

Consultation between Council and external referral authorities has occurred throughout the preparation of the draft PSP and will continue with formal notice of the draft PSP. Internal departments of Council have also been involved in the review of supporting documents and draft PSP.

The formal notice of the amendment will further ensure referral authorities and agencies are party to any Panel proceedings if required.

Innovation and continuous improvement

The draft Amess Road PSP presents a new approach to land use control which has previously not been used within the Macedon Ranges Shire. It will combine a Development Contributions Plan and other relevant controls to implement the PSP. Review of PSP controls within other Councils and previous relevant panel recommendations has formed part of the overall assessment to Amendment C148.

Relevant law

The requirements for a planning scheme amendment are set out within the *Planning and Environment Act 1987* and its regulations.

This report does not have any direct or indirect human rights implications under the *Charter of Human Rights and Responsibilities Act 2006*.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

The proposal is consistent with regional and state planning policies including:

- Plan Melbourne 2017.
- Macedon Ranges Statement of Planning Policy 2019;
- Loddon Mallee South Regional Growth Plan 2014.

Relevant Council plans and policies

Council's relevant plans and policies are:

- Macedon Ranges Settlement Strategy 2011; and
- Riddells Creek Structure Plan 2013

Financial viability

Council allocated funding in the 2020/2021 financial year to assist peer reviewing technical documents associated with the Amess Road PSP, to date there is \$15k available through the amendment process.

The Planning and Environment (Fees) Regulations 2016 set out fees to be paid at each step of the Amendment.

Council's fact sheet, 'Private Sponsored Planning Scheme Amendments' sets out Council's expectation that all costs associated with the amendment will be payable by the applicant.

The draft DCP as currently prepared includes a significant cost liability for Council, and legislates the delivery of significant infrastructure to support the new development.

Sustainability implications

There are no sustainability implications and risks of note.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

9.3	FOR DECISION - MISCELLANEOUS CONSENT MCA/2022/29 - DEVELOPMENT OF AN EFFLUENT DISPOSAL AND MINOR WORKS ASSOCIATED WITH THE DWELLING OUTSIDE THE BUILDING AND DRIVEWAY ENVELOPES - 12 CORNISH ROAD, RIDDELLS CREEK
Officer:	Robert Wallis, Senior Statutory Planning Officer
Council Plan relationship:	3. Improve the built environment
Attachments:	MCA/2022/29 - 12 Cornish Road RIDDELLS CREEK - Revised Plans ↓
Applicant:	Gary Burns and Sarah Burns
Date of receipt of application:	19 July 2022
Trigger for report to the Committee	Councillors Call-in

Summary

The proposed application is for the carrying out of works associated with the installation of an effluent disposal field and some minor buildings and works in association with the construction of a dwelling outside the building and driveway envelopes.

The application was advertised informally and one (1) objection has been received to date. The details of the objection are considered as part of this report.

The proposal was set to be decided at the 9th March 2023 Planning Delegated Committee, but was ultimately deferred from consideration at the 9th March 2023 Planning Delegated Committee due to the late submission of an amended plan to remove an outbuilding from the proposal.

The proposed item was intended to be decided at the 22nd March Council Meeting, but was deferred at the request of Council Officers to allow additional time to fully consider the merits of the proposed revised plans – in particular relating to the complex history of the site and previous approvals.

Key issues to be considered relate to the appropriateness of the proposal in relation to the Section 173 Agreement registered on the title, as well as considering whether or not consenting to the proposed works is contrary to the intent of the original Subdivision Approval considered under PLN/2016/137.

The application has been assessed against the requirements of the Section 173 Agreement and is not considered contrary to the intent of the Section 173 Agreement, and the original intent of the Subdivision approved under PLN/2016/137. It is recommended that the proposed Miscellaneous Consent be approved by Council, for the reasons discussed below.

Recommendation

That Committee issues Miscellaneous Consent for the development of an effluent disposal works and some minor works in association with the dwelling outside the building and driveway envelopes for the land at LOT 2 PS 830906U P/Kerrie 12 Cornish Road RIDDELLS CREEK VIC 3431.

Existing conditions and relevant history

Subject land

Subject site is located on the north-eastern side of Cornish Road, Riddells Creek, approximately 125m north from its intersection with Whittakers Lane. The site is rectangular in shape having an area of 4001m² and is currently vacant in terms of buildings and works. The current access to the site is via Cornish Road. A large native tree is located on the site approximately 50m from the street frontage.

Surrounds

The surrounding properties vary in size relative to the subject site. The properties to the north and west are similar sized properties that contain single dwellings. To the east are smaller sized low density zoned properties that contain a single a dwelling and to the south are smaller again residential properties. The majority of properties have been cleared of native vegetation.

Registered restrictive covenants and/or Section 173 Agreements affecting the site

The title provided with the application shows the property is encumbered by a Section 173 Agreement and Covenant. Details of the encumbrances' registered on title are as follows:

Covenant L932299N

- (i) Shall not erect a dwelling or dwellings on the said land hereby transferred or any part of it unless the exterior walls of such dwelling or dwellings are substantially of brick or brick veneer and unless the floor area of such dwelling (excluding carports, garages, external eaves, external verandahs and outbuildings) is not less than 140 square metres.
- (ii) Shall not use the said land hereby transferred for any purpose other than rural residential purposes with ancillary grazing and agricultural pursuits.

Section 173 Agreement AV651068C

The owner covenants with the responsible authority that, before the certification of the plan of subdivision:

- (a) No buildings and works must be constructed outside the dwelling and driveway envelopes on Lots 1 to 3, as shown on the endorsed plans to Planning Permit PLN/2016/137, unless with the prior written consent of the responsible authority. This excludes any outbuildings on Lot 3 in existence at the time of execution of this agreement.
- (b) Any new fencing erected along the boundaries of Lots 1 to 3 must be only post and wire and which may include wire mesh infill of an open design to prevent the passage of domestic pets and the like, unless with the prior written consent of the responsible authority.
- (c) Vegetation located outside the building envelopes and driveway envelopes shown on the endorsed plans to Planning Permit PLN/2016/137 must not be removed, destroyed or lopped, unless with the prior written consent of the responsible authority. Any request for consent must have regard to the arborist report endorsed under Condition 1 of Planning Permit PLN/2016/137.
- (d) The owner will implement the Bushfire Management Plan endorsed under Condition 1 of Planning Permit PLN/2016/137, to the satisfaction of the Responsible Authority.

The proposal does not contravene the covenant as the dwelling will be constructed with a brick facade. The proposal also fulfils the purpose of the Covenant in facilitating residential development on the land. In relation to Section 173 Agreement, the applicant has applied for miscellaneous consent to build outside the building and driveway envelopes.

Previous planning permit history

PLN/2016/137 was issued for 25 Whittakers Lane, comprising an approval for a four (4) lot subdivision of land. Lots 3 and 4 were proposed to be 4000sqm each, while Lot 1 and Lot 2 were proposed to be 3000sqm and 5181sqm respectively. As part of the original approval, Western Water - being the relevant water authority at the time - requested that a permit condition be added to ensure all lots were connected to Mains Sewer prior to the proposed Subdivision being finalised. The Permit Application was subject to a VCAT appeal by a neighbouring property owner, however the tribunal ultimately determined to grant the permit on 8 June 2017. The approval included the preparation of a Section 173 Agreement and the adoption of building envelopes for the proposed lots (being the subject of this application). It was not considered necessary at the time to include effluent envelopes for the site, noting that it was intended that the subdivision be appropriately serviced with mains infrastructure.

On 7 July 2021, an amended Planning Permit was issued for the subject site under Council Reference PLN/2016/137/A, altering the proposal from a four (4) lot subdivision to a three (3) lot subdivision. As part of the amendment, Lots 1 and 2 were proposed to be consolidated, to allow for the retention of an existing dwelling and an existing septic system. These existing features remain in operation at present day for 25 Whittakers Lane. Conditions on the Planning Permit pertaining to the provision of sewer for all lots were not varied or removed, and the subdivision was completed without the construction of Mains

Sewer contrary to the requirements of the permit conditions. Both Council and Greater Western Water consented to the finalisation of the subdivision, and neither Authority identified that sewer had not been provided for the land now known as 12 and 18 Cornish Road.

Correspondence subsequently received after the fact from Greater Western Water dated 21 September 2022 indicated that they did not object to the absence of mains sewer. It is noted that this consent was provided retrospectively, and ultimately – despite it providing certainty going forward that effluent can be considered for 12 and 18 Cornish Road – does not circumnavigate the need to consider any necessary works under the relevant Section 173 Agreement attached to the title of the land, which provides restrictions on where buildings and works can occur on the site.

Council Officers have also sought verbal legal advice with regards to the lack of sewer construction and the lack of any modifications to the conditions of the Planning Permit with regards to Western Water Requirements. Verbal advice has been provided to Council that the consideration of the construction of effluent areas is not inappropriate, and there is considered to be a low risk to Council should Council grant an approval for works outside of the identified building envelope for the purposes of an effluent area.

Proposal

The applicant is seeking miscellaneous consent for carrying out of effluent disposal works and some minor works in association with the dwelling outside the building and driveway envelopes on Lot 2, PS 830906U P/Kerrie. An effluent disposal field having an area of 400m² will be located to the north-west of the building envelope (entirely outside), having a setback of 3m from the front boundary and 1.5m from the side boundary. It is proposed to be setback 3.5m from the garage wall of the proposed dwelling. Minor earthworks in association with the construction of the dwelling will occur outside the building envelope, comprising the grading of the land to ensure that the proposed dwelling is constructed on a flattened area of land. Minor works in association with the construction of driveway will also be carried outside the driveway envelope. The proposed dwelling also incorporates some Eaves, which will extend beyond the boundaries of the envelope for the garage, bed 1 and ensuite area, and the living area and portico entryway.

9th March 2023 Planning Delegated Committee & 22nd March Council Meeting

The proposal was deferred from consideration at the 9th March 2023 Planning Delegated Committee to allow the applicant time to remove references to a proposed outbuilding from the plans, and thus the decision was unable to be decided at the time. The matter was deferred by Council until the 22nd March 2023 Council Meeting. Upon requests from Council Officers, the matter has once again been deferred until the 12th April 2023 Planning Delegated Committee to allow a proper consideration of the amendments to the plans, and to determine if the proposal meets the intent of the Section 173 Agreement.

Council Officers have also sought verbal legal advice with regards to the lack of any mains sewer and the requirements of PLN/2016/137, and the conclusion of this advice indicates that Council is able to consider the proposed works under the application being considered.

Relevant Macedon Ranges Planning Scheme controls

Section 46AZK of the Planning and Environment Act 1987

Section 46AZK of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme require Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising

decision making powers. The proposal in its current form is not contrary to the objectives of the SOPP.

Planning Policy Framework

Local Planning Policy Framework

Zoning

Clause no.	Clause name
32.03	Low Density Residential Zone (Schedule)

Overlay

Particular provisions

General provisions

Cultural Heritage Management Plan assessment

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
2	Does the application proposal include significant ground disturbance as defined in Part 1 Regulation 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	No
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 of <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	No

Based on the above assessment, a cultural heritage management plan is not required in accordance with Part 2 Division 1 of *Aboriginal Heritage Regulations 2018*.

The process to date

Referral

Comments	Response
MRSC Health	No objection.

Advertising

There is no formal mechanism for advertising miscellaneous consent applications. The proposal was advertised informally to adjoining landowners/occupiers by sending letters. One (1) objection was received and following are the concerns raised by the objector:

- Buildings and works should be inside the building envelope;
- Impact on views;

- Installation of septic system outside the building envelope.

It is noted that since the objection was received, the extent of visible buildings outside the building envelope has been reduced – with the removal of a proposed outbuilding located to the south-east of the proposed dwelling. Removal of structures by the applicant will also contribute to addressing concerns from neighbouring properties regarding potential impacts on views.

With regards to the construction of septic systems on the land, it is noted that any dwelling must be able to effectively manage the generation of on-site wastewater. In lieu of the required sewer mains being appropriately constructed to service the allotment, it is not unreasonable to consider the construction of an alternative means of managing said waste.

Council's Environmental Health Team is satisfied that the proposed system is adequately sized and located in accordance with relevant Health guidelines.

Officer assessment

Modifications to the proposal.

Before discussing the merits of the revised proposal, it is necessary to consider whether or not the removal of a proposed outbuilding from the application fundamentally alters how Officers have considered the proposal. Approval would have been required for the construction of the outbuilding outside of the identified building envelope area, however this is one aspect of the application, and there are a number of other matters that require consideration. The remainder of the assessment below is provided with regard to the works comprising the construction of the effluent area, and the works associated with the dwelling and its driveway. Notably, the need to ensure a dwelling is adequately serviced is an important consideration, and the impact of minor works with regard to the intent of the restriction are assessed on their merits below. Officers are supportive of the removal of the outbuilding from the application, and ultimately the removal of this component from the proposal has altered the recommendation by Officers.

What is the intent of the restriction?

The restriction was created to give effect to planning Permit PLN/2016/137 which at the time of approval, permitted the four (4) lot subdivision of land. The restriction includes building and driveway envelopes, restrictions in relation to the removal of vegetation outside the building and driveway envelopes, fencing requirements and bushfire management requirements. The decision was issued on the basis that all lots were to be connected to reticulated sewerage and therefore there was no requirement for the creation of effluent envelopes, which are a standardised mechanism for ensuring effluent areas are adequately located for serviced lots. The provision of Mains sewerage connections for each lot was included as a Condition on the Permit from Greater Western Water.

The Permit was subsequently amended under PLN/2016/137/A to reduce the number of approved lots from four (4) to three (3) (pertaining to the consolidation of Lots 1 and 2 – currently known as 25 Whittakers Lane). As part of this amendment, the existing dwelling at 25 Whittakers Lane was allowed to retain the existing on-site wastewater system rather than being connected to reticulated sewerage – on the basis that the size of the land after the consolidation of two lots was of a suitable size to accommodate the existing reticulated system and the existing dwelling. No such systems were proposed and approved for the remainder of the lots (comprising 12 and 1 Cornish Road). Moreover, the building envelopes that were approved included requirements for setbacks from the front, side and rear boundaries to allow for the provision of future landscaping.

The intent of the restriction is considered to ensure that any visible buildings and works on the land are suitably located centrally within the site to ensure that the low-density character

of the area is preserved, as well as ensuring adequate setbacks are maintained and the capacity of the land for planting is preserved. The assessing officer of PLN/2016/137 stated in their assessment of the proposed subdivision of land, that *"[the building envelopes] are considered appropriate as the lots will still be large enough to accommodate a dwelling and any other associated structures, however the size of the [envelopes] will not allow development to dominate the lots."* It is clear from this statement that the purpose of the Agreement is to ensure that future development did not depart from the established character of the nearby area. It should be interpreted thus, that the main function of the Agreement is to protect the visual amenity of the area and the proposed buildings and works are miscellaneous to this purpose.

Is there opportunity to achieve the outcome within the restriction?

There is sufficient space within the building envelope to allow for the construction of a dwelling, and the proposed dwelling is largely contained within the identified area. It is noted that there is an allocation of the building envelope that is un-used, in favour of the location of the dwelling as close to the street as possible. The size of the proposed dwelling is not unreasonable, comprising four bedrooms, an attached garage, and a family/meals area. It is the opinion of the assessing officer that were the proposed development made to better respond to the boundaries of the building envelope, this would likely give rise to either a detached garage located outside of the building envelope, or would encourage the adoption of a double-storey development, which would incur a visual departure from the existing setting due to the resulting height, as opposed to the proposed footprint of the dwelling.

The works and eaves associated with the proposed dwelling that occur outside of the building envelope could feasibly be retained inside of the envelope, however this would require the adoption of less site responsive earthworks such as retaining walls in favour of the graded and battered land currently proposed. Modifications to the eaves would also require the adoption of less articulate roof forms, which would give the proposed dwelling the appearance of a more contemporary dwelling, and facilitate additional departure from the existing character of the area.

The carrying out of works for the purpose of an effluent disposal area requires consent under the Section 173 Agreement, however the works are not considered to be contrary to the purpose of the restriction. There will be some short-term visibility of construction as the infrastructure necessary for the effluent field is installed, however in the long run the field will be located beneath the soil, and beyond some greener-than-normal grass that may appear due to the presence of effluent lines, will be invisible to residents and pedestrians when viewing the site. It is not possible to facilitate the construction of the effluent field inside of the envelope, as this would result in the proposed dwelling being constructed outside of the envelope, and would be contrary to the intent of the Agreement.

Officers are satisfied that the proposed works are not practical to carry out within the confines of the building envelope, as the resulting impacts of seeking explicit compliance with the Section 173 Agreement will likely result in secondary impacts that are more detrimental than the variations proposed.

Does the proposal maintain the intent of the restriction?

Should the variation be approved, it is considered that the intent of the restriction is maintained with regard to the visual impact of development, and the objective of keeping development centrally located within the site will be preserved. The low density residential characteristics of the area will not be compromised, and the extent of visible works seek to ensure that the dwelling is a better and more responsive development with regard to Neighbourhood Character.

The minor works associated with the 12 Cornish Road dwelling do not inherently give rise to further requests for development beyond the extent of the Building Envelope areas, and Officers would be seeking to ensure any future works outside of the envelope areas are adequately considered. The proposal being considered under MCA/2022/29 adequately responds to the low-density character of the area, and ultimately does not compromise the intent of the restriction.

Would an allowance outside of the restriction cause material detriment to those benefiting from the restriction?

The proposed minor works associated with the dwelling are not considered to cause material impact to parties who benefit from the restriction. As discussed in this recommendation, the minor works and encroachments are considered to have a tangible benefit with regard to the intent of the restriction.

With regard to the works in association with the proposed on-site effluent disposal area, given that the field will not be visible to pedestrians, or have any clear visibility from neighbouring properties, there is no material detriment associated with the construction of the effluent field. It is noted that the effluent field will be required to be compliant with relevant Health standards and criteria, and there are mechanisms to ensure the system is compliant in an ongoing capacity. This will provide sufficient management of the effluent field in the future, and the approval of this Miscellaneous Consent Application does not compromise the proper maintenance of the effluent area.

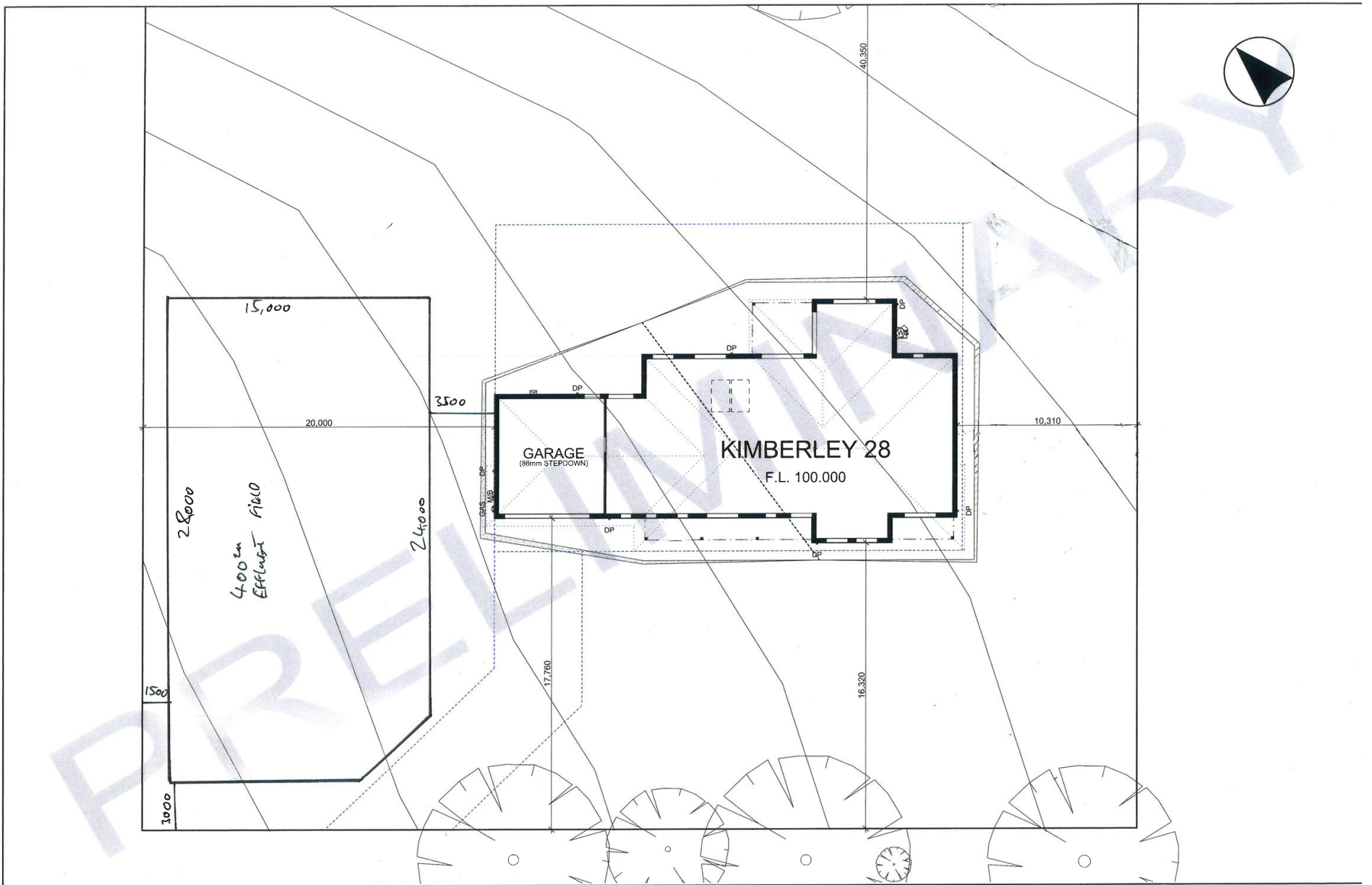
Would an allowance outside of the restriction have a negative implication to the general character or amenity of the area?


In this instance Officers are satisfied that the proposed works outside of the building envelope do not have negative implications, but rather contribute to positive outcomes for the site with regard to character, and the need to be responsive to the existing and preferred built form outcomes for this site. The proposed works do not set a precedent for unreasonable development on adjoining properties, or indeed for the subject site going forward.

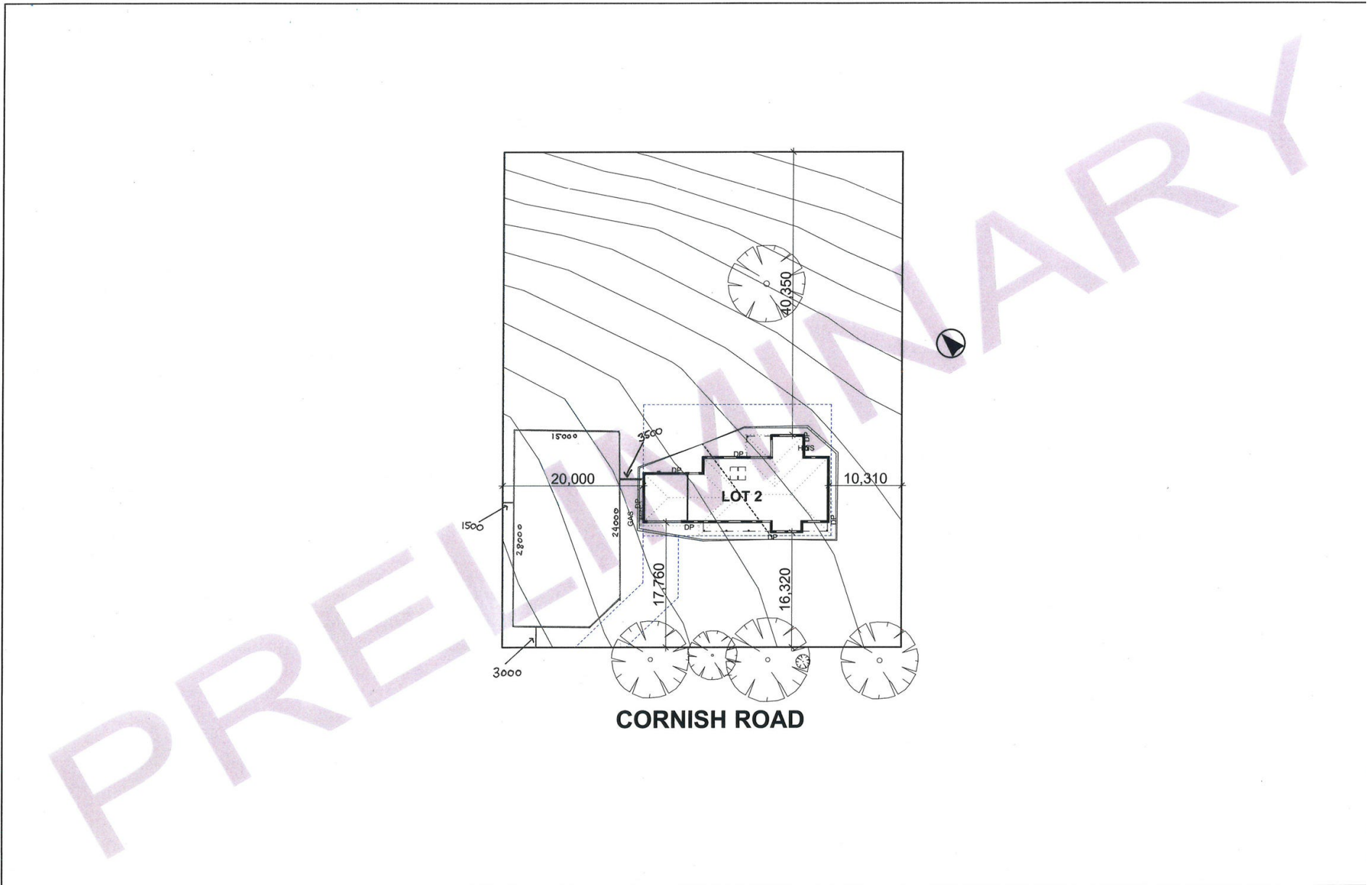
Overall it is considered the proposal will not detract from the existing character and amenity of the area. It will not cause detriment to those benefiting from the restriction and seeks to ensure that the proposed dwelling is optimised with regards to how the development responds to the character considerations of the area. The proposed variations are not contrary to the intent of the Section 173 Agreement, and it is recommended that Miscellaneous Consent be granted for Development of an Effluent Disposal and Minor Works Associated with the Dwelling Outside the Building and Driveway Envelopes for 12 Cornish Road, Riddells Creek

Officer declaration of conflicts of interest


All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

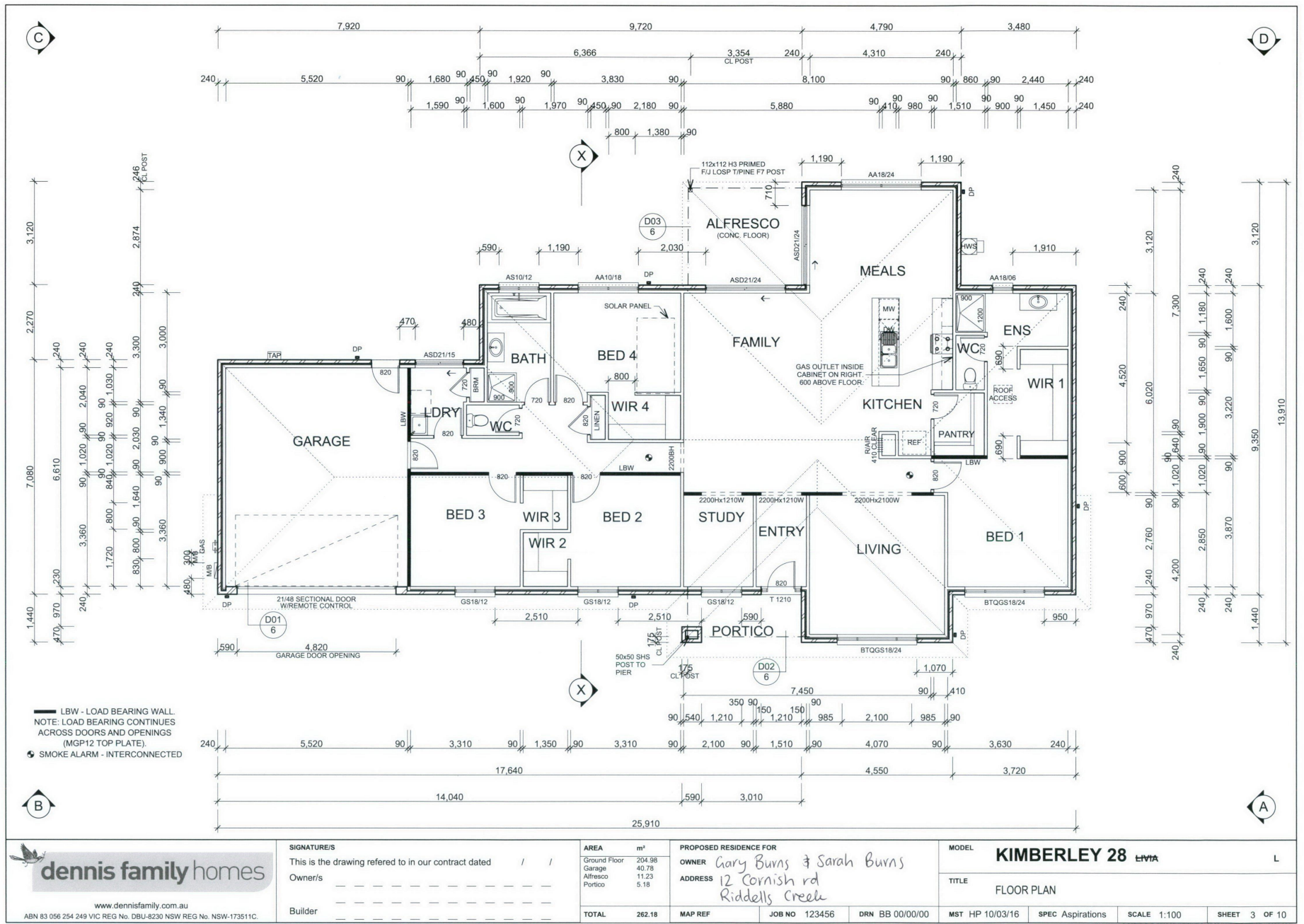


 <p>www.dennisfamily.com.au ABN 83 056 254 249 VIC REG No. CDB-U 49195 NSW REG No. NSW-173511C.</p>	SIGNATURE/S This is the drawing referred to in our contract dated / / OWNERS _____ Builder _____	PROPOSED RESIDENCE FOR OWNERS CLIENT NAME 1 & CLIENT NAME 2 ADDRESS JOB ADDRESS CITY STATE POSTCODE	HOUSE TYPE KIMBERLEY 28 TITLE SITE PLAN-SETOUT AND LEVELS SPEC ASPIRATIONS MILA
	MAP MAP REF. JOB NO JOB NUM DRN JOB DRAWN BY	MST AT 04/11/20 SCALE 1:200 SHEET 2 OF 16	



CORNISH ROAD

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	MAP MAP REF. JOB NO JOB NUM DRN JOB DRAWN BY MST AT 04/11/20 SCALE 1:500 SHEET 2 OF 16		



ELEVATION A

ELEVATION C

ELEVATION B

ELEVATION D

WIND RATING XX

- REFER ENGINEERS' DESIGN FOR ARTICULATION JOINTS.
- TOP OF METER BOX 2000mm MAX ABOVE FINISHED GROUND LEVEL.
- WINDOWS TO BE ALUMINIUM, SASHES AS INDICATED.
- FC SHEET INFILL OVER EXTERNAL DOORS AND WINDOWS WHERE SHOWN.

<p>www.dennisfamily.com.au ABN 83 056 254 249 VIC REG No. DBU-8230 NSW REG No. NSW-173511C.</p>	<p>SIGNATURE/S This is the drawing referred to in our contract dated / /</p> <p>Owner/s _____</p> <p>Builder _____</p>	<p>PROPOSED RESIDENCE FOR</p> <p>OWNER <i>Gary & Sarah Burns</i></p> <p>ADDRESS <i>12 Cornish rd Riddells Creek</i></p>	<p>MODEL KIMBERLEY 28 <small>LWVA</small> L</p> <p>TITLE ELEVATIONS</p>
	<p>MAP REF _____</p> <p>JOB NO 123456</p> <p>DRN BB 00/00/00</p> <p>MST HP 10/03/16</p> <p>SPEC Aspirations</p> <p>SCALE 1:100</p> <p>SHEET 4 OF 10</p>	<p>© COPYRIGHT REPRODUCTION IN PART OR WHOLE IS STRICTLY FORBIDDEN</p>	