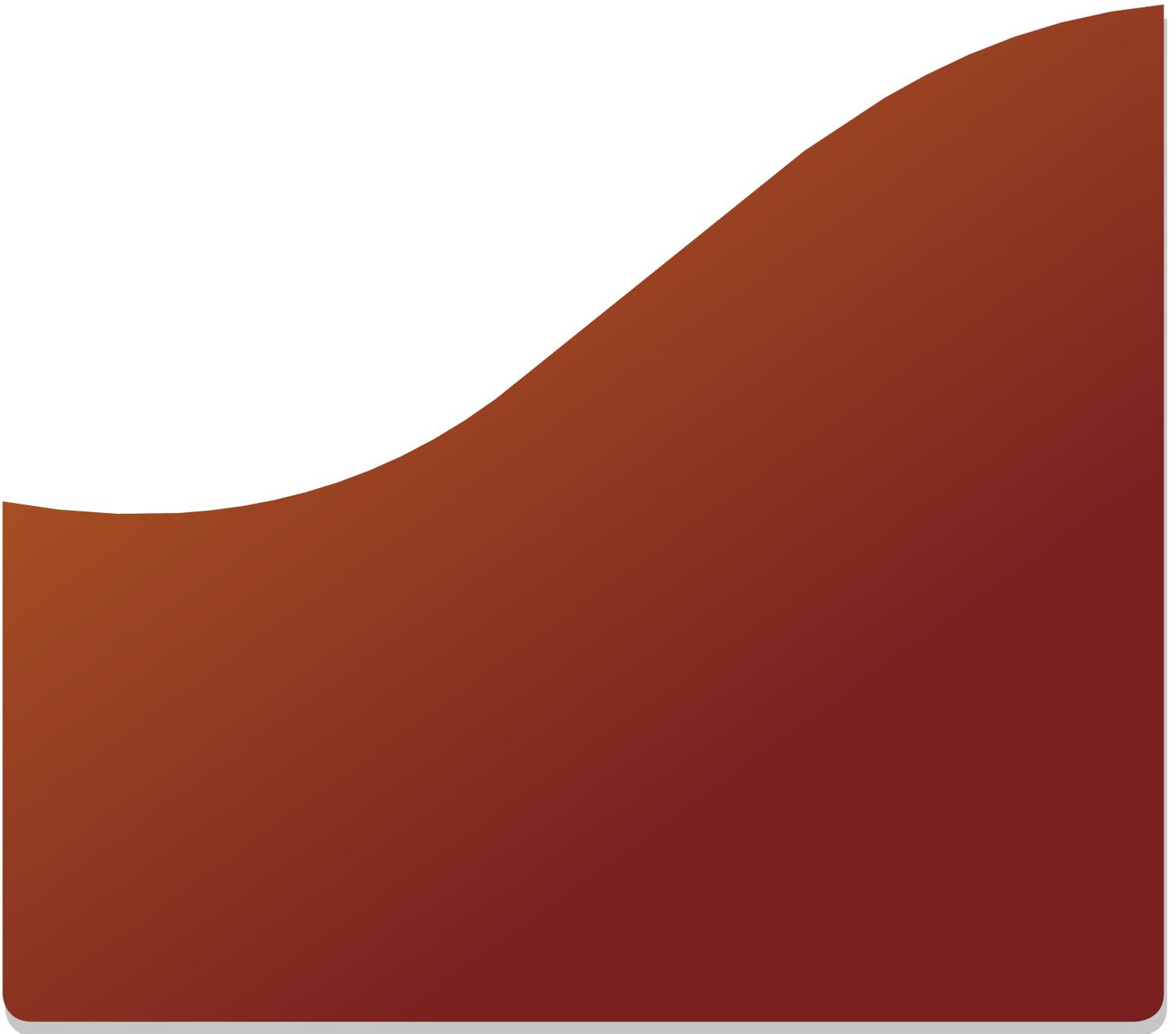


Planning Delegated Committee Meeting Agenda

**Planning Delegated Committee Meeting
Wednesday 13 September 2023 at 7pm
Held online and livestreamed at mrsc.vic.gov.au**



**Notice is hereby given that a Planning Delegated Committee Meeting will be held in the Held online and livestreamed at mrsc.vic.gov.au on:
Wednesday 13 September 2023 at 7pm**

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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 August 2023, as circulated.

8 HEARING OF SUBMITTERS

8.1	HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2023/155 - USE AND DEVELOPMENT OF THE LAND FOR A DWELLING - 2076 THREE CHAIN ROAD, LANCEFIELD
Officer:	Awais Sadiq, Coordinator Statutory Planning
Attachments:	Nil

Summary

To hear from the applicant in relation to Planning Application PLN/2023/155 – Use and Development of the Land for a Dwelling.

Recommendation

That the Committee requests that recommendations be prepared, based on all relevant information, for consideration and determination at the next Planning Delegated Committee Meeting on 11 October 2023.

Background

The subject site is located approximately 1km to the north east of Lancefield having an area of approximately 9.421 hectares. The site currently contains a building (for which the applicant is seeking existing use rights for a dwelling), a small cabin and agricultural sheds.

The site is irregular in shape and is bounded by Three Chain Road to the north-west, an unmade Government Road to the east, a small reserve in the ownership of DEECA to the north and a small lot in the same ownership as the subject site to the south. Access to the site is via an existing crossover and driveway from Three Chain Road. The site has been largely cleared of vegetation.

The surrounding area is primarily used for agriculture. Lot sizes are varied and generally range from 8ha to approximately 60ha. A number of lots are vacant with few dwellings proximate to the site.

Summary of proposal

The application is seeking approval for the use and development of the land for a dwelling. The proposed dwelling will have a setback of 40m from Three Chain Road and 130m from the southern boundary. The dwelling will have an area of 229.27m² comprising 4 bedrooms, ensuite, kitchen, living, bathroom and a laundry. A veranda will be wrapped along the front, north and south elevations. The dwelling will be made from metal roof and weatherboard walls and will have access from Three Chain Road via existing driveway and crossover. No farm management has been provided as part of the application to justify the need for the dwelling.

Planning permit trigger/s

- Clause 35.07-1 – Use of the Land for a Dwelling.
- Clause 35.07-4 – Buildings and works associated with a dwelling (Section 2 Use).

Summary of submissions

The application was not advertised pursuant to Section 52 (1A) of the Planning and Environment Act 1987.

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.

8.2	HEARING OF SUBMITTERS - PLN/2022/454 - DEVELOPMENT OF THE LAND FOR SIX (6) DWELLINGS - 56 HOWEY STREET GISBORNE
Officer:	Nicole Wadden, Senior Statutory Planning Officer
Attachments:	PLN/2022/454 - 56 Howey Street Gisborne - Objections/support letters (under separate cover)

Summary

To hear from submitters in relation to Planning Application PLN/2022/454, regarding the development of the land for six (6) dwellings.

Recommendation

That the Committee:

- 1. Notes the submissions received in relation to Planning Permit PLN/2022/454, development of land for six (6) dwellings; 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 11 October 2023.**

Background

The subject land is located in the township of Gisborne, north east of the intersection of Howey Street and Goode Street, within an established residential area. The site is rectangular in shape providing a frontage to Howey Street of approximately 50m and a frontage to Goode Street of approximately 40m. The site is occupied by an existing dwelling and associated outbuilding and includes a crossover located in the south western portion of the lot. The site also contains existing vegetation.

The immediate surrounding area is characterised by detached single dwellings and unit style developments, on lots ranging from approximately 315m² to 25809m². Dwelling designs include both single and double storey with both contemporary and classic styles evident in the immediate surrounding area. Dwelling setbacks to Goode Street ranges from 3.5m to over 30m and around 8m to 9m in Howey Street. Moderate plantings are evident within the front setbacks of most dwellings along both Howey and Goode Street with some larger canopy trees scattered through front and rear gardens of surrounding lots and within the streetscape.

Summary of proposal

The application proposes development of six (6) dwellings. The dwellings are arranged in 2 rows (north-south) with a common access proposed in the middle, that is accessible via Goode Street. The northern three units will all be accessed by the common driveway while the south eastern two dwellings will be accessed via single crossovers that front to Howey Street. The dwellings will feature either three (3) or four (4) bedrooms with each dwelling designed generally to present with an open plan layout, with a bedroom at the ground floor level and additional bedroom/s at the upper floor. Each dwelling will have an attached double car garage.

The proposed front setback will be a minimum of 4m to Howey Street and 6m to Goode Street (not including verandas). The side and rear setbacks range from 0m to over 4m. The proposed total site coverage (proportion of a site covered by buildings) will be 43.7%. The proposed building materials will comprise Colorbond roof in ‘Surfmist’, grey rendered surfaces, in addition to Weathertex Cladding (vertical panels). Substantial landscape planting is also proposed within the front and rear setbacks of the dwellings and within the road reserve.

Planning permit trigger/s

Clause 32.08-6 – General Residential Zone (GRZ1) – A planning permit is required to construct two or more dwellings on a lot.

Clause 43.02-2 – Design and Development Overlay, Schedule 17 (DDO17) – A permit is required for buildings and works.

Summary of submissions

A total of sixteen (16) submissions/ objections were received to this application. They are summarised as follows:

Objection/concern regarding application
• Goode Street is unfit to cope with additional traffic.
• Poor road construction surrounding the site.
• Plans show 1 car garages which is insufficient for size of proposed dwellings.
• Poor pedestrian access to the area due to lack of footpaths.
• Significant trees have been removed from the site.
• Overdevelopment of site.
• Double storey design is out of character with the area.
• Design will degrade the heritage lots in the area.
• No provision for visitor parking has been included.
• Need for the developer to make a contribution to footpath construction.
• Need to include indigenous planning within the landscape plan.
• Need for the developer to restrict cats within the development.
• Privacy impacts.
• Noise impacts during construction stage.
• Advertising has not been undertaken to all residents in the area.
• Need for an extended advertising period.
• Design provides for no separation of dwellings.

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	CONSIDERATION OF A PLANNING PANEL - AMENDMENT C153MACR AND PLN/2022/359 - 101-105 WILLOWBANK ROAD GISBORNE
Officer:	Daniel Hall, Graduate Strategic Planner
Council Plan relationship:	3. Business and tourism 1. Connecting communities
Attachments:	1. Amendment C153macr and PLN/2022/359 - Submission Summary Table ↓ 2. Amendment C153macr and PLN/2022/359 - Amendment Documentation ↓

Summary

Planning Scheme Amendment C153macr (Amendment C153macr) is a proponent-led combined planning scheme amendment and permit application. Amendment C153macr is being progressed at the request of the landowner Brady Road Investments Pty Ltd, and is represented by Taylors Development Strategists.

Amendment C153macr proposes to rezone land located at 101-105 Willowbank Road Gisborne from General Residential Zone Schedule 1 to Commercial 1 Zone, introduce Design and Development Overlay Schedule 27 and vary the Restrictive Covenant PS549356W to allow for the development of a Local Activity Centre.

- Alongside the rezoning application, a planning permit application PLN/2022/359 seeks approval for: Buildings and works to construct a supermarket, medical centre, office and food and drink premises (two cafés); and
- A reduction in the number of car parking spaces from 61 to 57 spaces.

Amendment C153macr was formally exhibited from 8 May to 13 June 2023 and received 15 submissions.

The purpose of this report is for the Planning Delegated Committee to consider all submissions made to Amendment C153macr and referred to an independent Planning Panel.

Recommendation**That the Committee**

- 1. Endorses the post-exhibition change to Planning Scheme Amendment C153macr specifically the change to PLN/2022/359 and the Explanatory Report as set out in Attachment Two.**
- 2. Requests the Minister for Planning to appoint an independent Planning Panel under Part 8 of the Planning and Environment Act 1987 to consider the submissions to Amendment C153macr to the Macedon Ranges Planning Scheme.**
- 3. Refers all submissions to Amendment C153macr to the Panel, in accordance with Section 23 of the Planning and Environment Act 1987.**

4. Notifies all submitters to Amendment C153macr and PLN/2022/359 of Council's decision.

Background

On 27 July 2022, Taylors Development Strategists on behalf of Brady Road Investments Pty requested a combined planning scheme amendment and planning application under Section 96A of the Planning and Environment Act 1987 for land at located at 101-105 Willowbank Road, Gisborne.

At the 7 December 2023 Planning Delegated Committee it was resolved to seek authorisation from the Minister for Planning to prepare Amendment C153macr.

The Minister for Planning authorised Amendment C153macr on 1 March 2023 subject to five conditions.

Council satisfied the conditions of authorisation and exhibited Amendment C153macr for a period of five weeks from 8 May and 13 June 2023.

A total of 15 submissions were received in response to the public exhibition of Amendment C153macr. These submissions include six in support and nine opposing Amendment C153macr or parts thereof.

At the 12 July 2023 Planning Delegated Committee, submitters to Amendment C153macr were provided the opportunity to outline their views on Amendment C153macr to the Committee.

Discussion

A review of the submissions received for Amendment C153macr has been completed and responses to specific items are outlined in Attachment One. A number of unresolved items remain and are recommended to be referred to an independent Planning Panel for consideration. The response to the main issues that remain unresolved are outlined below.

Fencing:

The acoustic perimeter fencing was a point of both support and opposition among submissions. The main points of opposition relates to the height and material of the fence.

Submitters expressed concern that the fence's height and non-permeable construction creates an imposing visual barrier that negatively affects the private realm of residential properties abutting the site. There is a preference among a number of submitters for a low profile post-and-wire construction that reflects the rural character of the surrounding area.

An Environmental Noise Assessment was undertaken by Marshall Day Acoustics and exhibited as part of the application. It concluded that a minimum height of 2.4 metres and solid construction (i.e no gaps) is required for the perimeter fence to meet the general environmental duty obligations under the *Environment Protection Act 2017*. Following a review of submissions, council officers have requested the applicant to undertake an overshadowing assessment to demonstrate that the acoustic fence complies with clauses 55.04-4 and 55.04-5 of the Macedon Ranges Planning Scheme. In addition, the fence must comply with the Victorian Building Regulation 2018 - Regulation 96 - Fences and overshadowing of recreational private open space.

Council officer recommendation:

Support the installation of the acoustic perimeter fencing in principle, but require the proponent to provide evidence that the acoustic fence complies with the Planning Scheme and building regulations 96. Refer the matter to Panel for further consideration.

Traffic, parking and the condition of Willowbank Road

A number of submitters were concerned with the current condition of Willowbank Road and its ability to accommodate increased traffic demand due to this development. One submitter was concerned with the methodology employed by Traffix Group to develop the Traffic Engineering Report. A number of submitters were also concerned that the proposed car parking provision is not adequate to meet future demand for onsite parking.

The condition of Willowbank Road is currently being monitored. Council officers have agreed that the methodologies used in producing the traffic engineering assessment by Traffix Group is in-line with industry standards.

In terms of car parking on the site, the proposed setback outlined in Design and Development Overlay – Schedule 27 (DDO27) provides appropriate separation of the commercial buildings and residential properties to the south and west of the site and ensures the development can adequately accommodate the required parking on-site. The building orientation and setback from Willowbank Road appropriately prioritises pedestrian use and public amenity and allows for a visual differentiation to the surrounding residential areas.

Council officer recommendation

Traffic matters will be referred to Panel for consideration.

Objection to condition 1b on the condition of permit regarding planning application PLN/2022/359The proponent to Amendment C153macr is opposed to Condition 1b of the draft planning permit which requires a “No right turn sign” along Brady Road. This matter remains unresolved. Council officers have carefully considered the potential risks and determined that implementing a ‘No Right Turn’ restriction will help reduce any potential traffic conflicts or accidents.

Council officer recommendation

Refer the matter to the Panel for consideration.

Post Exhibition Change – Change to Permit Condition as requested by Submitter 12

Attachment One summaries the submission of Submitter 12, which notes that the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1) has been superseded by EPA Publication 1826.4. The submitter identifies that Council may wish to update Condition 7 of the draft Planning Permit to reflect the revised protocol.

Council officer recommendation

Council makes a post exhibition change to the draft Planning Permit Condition 7 as outlined in Attachment Two.

Post Exhibition Change – Changes required as part of C150macr

Amendment C150macr was gazetted on 24 August 2023. The Amendment introduced the Planning Policy Framework (PPF) to the Macedon Ranges Planning Scheme, which removed Clauses 21 and 22 and incorporated local policy into the PPF at Clauses 10-19. Amendment C150macr was required following Amendment VC148 which introduced the PPF and necessitated changes to all Victorian planning schemes. As a result of this Amendment, changes have been made to the Explanatory Report.

Council officer recommendation

Council makes a post exhibition change to the Explanatory Report as outlined in Attachment Two.

Next Steps

The Committee will seek to have the matter reviewed by an independent Planning Panel scheduled for the week of 20 November 2023. The Panel recommendations will be brought to Council for consideration at a future Scheduled Council Meeting.

Consultation and engagement

Amendment C153macr underwent public exhibition from 8 May 2023 to 13 June 2023. Council considered all submissions received on this amendment and submitters were afforded the opportunity to present their submission at the 12 July 2023 Planning Delegated Committee. All submitters will be notified of the resolutions of this meeting.

Collaboration

A range of external government and statutory bodies were notified of Amendment C153macr and PLN2/2022/359 including relevant Ministers, referral bodies and other stakeholders in accordance with the *Planning and Environment Act 1987*.

Innovation and continuous improvement

Gisborne Futures Economic and Employment Analysis Report (May 2020) reiterates the need for a Local Activity Centre in this location.

Relevant law

The requirements for planning scheme amendments 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's recommendations are supported by the following Council Plans and Strategies:

Council Plan 2021-2031:

Strategic Objective 1 – Connecting Communities

Integrate land-use planning, and revitalise and protect the identity and character of the shire

Strategic Objective 3 - Business and Tourism

Encourage economic vitality (including tourism, agribusiness, buy local and local employment options

The Macedon Ranges Planning Scheme

Clause 11.01-1L outlines the strategy to:

Establish local neighbourhood activity centres in residential areas that include two local centres to the south and west of the Gisborne area to service new residential areas with basic convenience needs.

The Gisborne Outline Development Plan (2009)

The existing Structure Plan for Gisborne identifies the land at 101-105 Willowbank Road as 'proposed neighbourhood retail.' The plan identifies that the:

"local activity centres in south Gisborne and west Gisborne will likely require a zone other than a Residential Zone, with the final zone chosen to be tailored to the specific uses proposed."

Economic Development Strategy 2021-2031

Identifies as an action to:

'Support the implementation of Township Structure Plan recommendations and/or relevant urban design frameworks through business case development to access funding support for high quality urban design and active street frontages.'

Financial viability

The *Planning and Environment Act 1987* Regulations 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 landowner (Brady Road Investments Pty Ltd).

Council may incur costs associated with engaging a traffic expert at the scheduled Planning Panel hearing.

Sustainability implications

The proposal provides for a range of environmental sustainability initiatives including:

- A building design to enhance thermal performance and reduce energy use.
- 20Kw Solar PV system on the roof.
- Use of recycled materials and materials with low embodied energy.
- Water Sensitive Urban Design – roof area to harvest water and send to 10,000 litre rain water tanks.
- One EV charging station with possibility of further expansion

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.

**Attachment One
Amendment C153macr submission summaries and officer response**

Sub	Status of Amendment	Summary of Submission	MRSC Response
1	Support	<ol style="list-style-type: none"> 1. Strongly supports the proposed Amendment and Permit application. 2. Expresses the view that there is a need for Council to approve and provide local infrastructure that services the recent residential growth of the area. 3. Claims the proposed Local Activity Centre (LAC) will reduce traffic congestion the centre of Gisborne. In doing this will also act to reduce pollution - improve public amenity and health. 	Noted.
2	Objection	<ol style="list-style-type: none"> 1. Concerned that the height of the perimeter fence will overshadow the garden area of the surrounding properties. 2. Concerned that the building height will create an imposing presence on the lots to the rear due to overshadowing. 3. Calls for the site to continue as residential zoning and questions the appropriateness of a LAC at this location due to its proximity to existing amenities in Gisborne. 	<ol style="list-style-type: none"> 1. The 2.4m height of the perimeter fence is required in order to meet the acoustic properties outlined in the environmental noise assessment. 2. The proposed development will not/does not impact rooftop solar energy systems or dwellings abutting the site. This is shown through the overshadowing plan provided by the applicant. 3. Amendment C153macr is delivering on the vision of the 2009 Gisborne Outline Development Plan (ODP) and Clause 11.01-1L of the Macedon Ranges Planning Scheme and is seen as strategically justified. <p>A residential development is not the preferred outcome for this site. The proposed development will reduce the need for residents within proximity of the site to travel into Gisborne for basic consumer needs and medical services.</p> <p>Officer response: Require the proponent to provide evidence that the acoustic fence complies with building regulation 96. Refer to Panel</p>
3	Objection	<ol style="list-style-type: none"> 1. Supports the local conveniences. 2. Concerned about potential traffic impacts. 	<ol style="list-style-type: none"> 1. Noted 2. Traffic concerns under further consideration.

Sub	Status of Amendment	Summary of Submission	MRSC Response
		<ul style="list-style-type: none"> a) Questions if upgrades are required at the intersection of Brady and Willowbank Roads to cater for future traffic demand. b) Questions whether the traffic assessment undertaken by the proponent considers possible future demand associated with further development of Willow Estate. 3. Questions whether considerations to increase bus frequency – specifically during peak times has been made to reduce car dependency. 	<p>3. Council is not responsible for the operation and scheduling of the Gisborne bus service. The service is operated by Gisborne Transit in conjunction with Public Transport Victoria.</p> <p>Officer response: No change required. It is likely that traffic will remain an unresolved issue. Refer to Panel</p>
4	Objection	<ul style="list-style-type: none"> 1. Disputes the strategic need for the LAC – specifically its proposed location. 2. Objects to the walls and their setback from Willowbank and Brady Roads. 3. Objects to the 11 metre height provision of the Commercial Zone - does not believe the height reflects is low-rise character of the area. 4. Concerned with the current condition of Willowbank road from Aitken Street to Bloomfield Road – and specifically in the vicinity to the proposed LAC site. Questions the ability of the road to accommodate current traffic volumes and further its capacity to accommodate further demand. 5. Questions the rationale of the no right hand turn from Brady Road. 6. Proposes speed mitigation measures 7. Questions the research methods of the Traffic Engineering Assessment report specifically the type of data used to determine demand. 8. Questions the capacity of the LAC to reduce car dependency due to poor cycle and pedestrian infrastructure linking and unsafe roads. 	<ul style="list-style-type: none"> 1. Amendment C153macr is strategically justified and is delivering on the vision of the 2009 ODP and Clause 11.01-1L and will bring a local service and amenity to the surrounding residential community to the south of Gisborne. 2. The proposed setback outlined in Design and Development Overlay – Schedule 27 (DDO27) provides appropriate separation of the commercial buildings and residential properties to the south and west of the site and ensures the development can adequately accommodate the required parking on-site. The building orientation and setback from Willowbank Road appropriately prioritises pedestrian use and public amenity and allows for a visual differentiation to the surrounding residential areas. Windows are positioned within the wall-on-boundary along Brady Road to provide greater visual permeability. 3. The proposed two story building height of 9.5 metres and maximum height of 11 metres outlined in DDO27 is appropriate for this type of commercial development. The two storey built form transitions in scale to the surrounding residential areas. DDO27 ensures any future development will not exceed the building height requirements of 11 metres. Two storey developments exist in the surrounding residential area. The built form includes elements that are representative of and compatible with the surrounding area such as a pitched roof

Sub	Status of Amendment	Summary of Submission	MRSC Response
		<p>9. Concerned that the Western boundary fencing risks pedestrian safety and is a detrimental to the amenity.</p> <p>10. Questions the relevance of rainwater tanks at their current capacity.</p>	<p>form and materials and colours.</p> <p>4. The condition of Willowbank Road is currently being monitored.</p> <p>5. The "No Right Turn" sign on Brady Road will minimise potential conflicts between vehicles turning right out from the proposed development site and cars turning right out of the Kindergarten car park. Prohibiting right turns at this location will improve safety the flow of traffic.</p> <p>6. Noted.</p> <p>7. Noted. The methodologies used in producing the traffic engineering assessment by Traffix Group is in-line with industry standards.</p> <p>8. Council is committed to improving provision of walking and cycling environments and the cycle and pedestrian infrastructure included in this proposal will assist in achieving the vision outlined in Council's Walking and Cycling Strategy.</p> <p>Council currently endorsed the Shire Wide Footpath Plan (2018-2027) which outlines priority infrastructure improvement including from Brady Road to Parkview Street.</p> <p>9. The risk to pedestrian and vehicle conflict at the Willowbank Road entrance is appropriately mitigated. The inclusion of indented car parking and reduced vegetation heights abutting Willowbank Road allows for clear for vehicles exiting the site.</p> <p>10. The capacity of rainwater tank outlined in the conditions of permit are considered appropriate in serving their outlined function.</p> <p>Officer response: No change required – refer to Panel</p>
5	Objection	<p>1. Support the Fencing Height and timber material however does not support the minimum surface mass density and proposes an increase in density of material from 25mm to 38mm.</p> <p>2. Opposed to type of trees proposed along the South</p>	<p>1. The Environmental noise assessment outlines that the minimum surface density of 12 kg/m² is required for the perimeter fence to meet the general environmental duty (GED) obligations under the Environment Protection Act 2017 (EP Act). 25 mm thick, plywood solid timber panelling (<i>without</i></p>

Sub	Status of Amendment	Summary of Submission	MRSC Response
		<p>border due to aggressive root systems - Loss of Sunlight - Risk to person and property - Seeks the inclusion of smaller tree species.</p> <p>3. Concerned with the proposed operating hours from 7am. Proposed to have the opening hours from 8am instead.</p> <p>4. Opposed to the building height. Believes it is an overdevelopment and not reflecting the single storey character of the area. Proposes the development be single storey.</p> <p>5. Concerned with the possible noise impacts of after hour use of the LAC by members of the public, specifically youths. Calls for the LAC to have locked gates to prevent afterhours use.</p>	<p><i>any holes or gaps</i>) satisfies the surface density requirements.</p> <p>Should the final development deviate from the assumptions that underpin the noise assessment, further noise mitigations should be carried out to meet the GED obligations.</p> <p>2. Council supports the selection of native tree species that limits any negative affect to surrounding residential infrastructure or solar access. Council supports further collaboration with the proponent, submitter, and council officers to determine the most appropriate plantings for the site.</p> <p>3. The proposed operating hours and waste collection time are consistent with the Environment Protection Authority (EPA) Publication 1826.4 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues.</p> <p>4. The proposed two story building height of 9.5 metres and maximum height of 11 metres outlined in DDO27 is appropriate for this type of commercial development. The two storey built form transitions in scale to the surrounding residential areas. DDO27 ensures any future development will not exceed the building height requirements of 11metres.Two storey developments exist in the surrounding residential area.</p> <p>The built form includes elements that are representative of and compatible with the surrounding area such as a pitched roof form and materials and colours.</p> <p>5. Council does not support this.</p> <p>Officer response: No change required – Refer to Panel</p>
6	Support – with changes	<p>1. There is Strategic support for the type of development. Will have a positive Social, Economic, Environmental effects.</p> <p>2. Is opposed to Condition 1 b) The location of a “No right turn sign” along Brady Road.</p>	<p>1. Noted</p> <p>2. The “No Right Turn” sign on Brady Road will minimise potential conflicts between vehicles turning right out from the proposed development site and cars turning right out of the Kindergarten car park. Prohibiting right turns at this location will improve safety the flow of traffic.</p>

Sub	Status of Amendment	Summary of Submission	MRSC Response
			Officer response: No change supported. Refer to Panel
7	Support	<ol style="list-style-type: none"> Supports the LAC as needed infrastructure in the rapidly developing area. Supports local conveniences that reduce traffic congestion in the local 	<ol style="list-style-type: none"> Noted. Supports local conveniences that reduce traffic congestion in the local area
8	Melbourne Water (Referral Authority) Support	<ol style="list-style-type: none"> Supports the Amendment and Planning Permit. The applicant will need to contact Council in relation to flooding. 	<ol style="list-style-type: none"> Noted Noted
9	Objection	<ol style="list-style-type: none"> Objects to the building height - two storey is inappropriate for the area - not in keeping with the semi-rural character along Willowbank road - two story could be considered at the back of the property following the gradient. Objects to the height of the fence - proposed fencing will reduce the available sunlight to surrounding residences - Queries the distance between the fencing and landscaping - suggests there should be greater distances between the garden beds and fence to reduce noise impacts on surrounding properties. Believes the condition of the road is not adequate to accommodate additional traffic this development would encourage. 	<ol style="list-style-type: none"> The proposed two story building height of 9.5 metres and maximum height of 11 metres outlined in DDO27 is appropriate for this type of commercial development. The two storey built form transitions in scale to the surrounding residential areas. DDO27 ensures any future development will not exceed the building height requirements of 11metres.Two storey developments exist in the surrounding residential area. The built form includes elements that are representative of and compatible with the surrounding area such as a pitched roof form and materials and colours. The Environmental noise assessment outlines that the minimum height of 2.4 is required for the perimeter fence to meet the GED under the EP Act. Overshadow assessments should be undertaken by the proponent to ensure the fence meets the requirement outlined in; <ul style="list-style-type: none"> Regulation 96 <i>Fences and overshadowing of recreational private open space,</i> 55.04-4 <i>North facing Windows and,</i> 55.04-5 <i>Overshadow.</i> The condition of Willowbank Road is currently monitored.

Sub	Status of Amendment	Summary of Submission	MRSC Response
			Officer response: No change required. Refer to Panel
10	Country Fire Authority – CFA (Referral Authority) Support	The location has no significant exposure to bushfire risk and does not influence brigade service delivery.	Support noted
11	EPA (Referral Authority) Support	<ol style="list-style-type: none"> Supports the Amendment and Planning Permit. SEPP No. N-1 has been superseded by EPA Publication 1826.4 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues. Council may choose to update the condition to reflect current guidance. 	<ol style="list-style-type: none"> Support noted Advice noted <p>Officer response: Condition 7 on the Planning Permit has been updated as a post exhibition change – See Attachment Two</p>
12	Support	Support – much needed facility for residents in the South Gisborne area	Support noted
13	Objection	<ol style="list-style-type: none"> Concerned with the parking provisions (believe provision is inadequate). Suggests this development should occur in New Gisborne and not at current location. Concerned with the removal of trees more broadly in MRSC area 	<ol style="list-style-type: none"> Council reviewed Car parking provisions following the close of public consultation of Amendment C153macr and the current allocation is considered appropriate for this type of commercial development. Council is actively looking to facilitate the delivery of a Local Activity Centre along Station Road, New Gisborne Concern is noted <p>Officer response: No change required</p>
14	Objection	<ol style="list-style-type: none"> Belief that the location of a supermarket should be 	<ol style="list-style-type: none"> The location of the proposed is appropriate. The Amendment

Sub	Status of Amendment	Summary of Submission	MRSC Response
		<p>within the Willow Estate.</p> <ol style="list-style-type: none"> 2. Believes the freeway exit at Brooking Rd should have been opened as part of the Willows Estate. 3. Concerned with the traffic congestion of Willowbank Road 4. Does not support the multi-story height 	<p>is delivering on the vision of the 2009 Gisborne Outline Development Plan (ODP) and Clause 11.01-1L of the Macedon Ranges Plan.</p> <ol style="list-style-type: none"> 2. Noted. 3. The condition of Willowbank Road is currently being monitored. 4. The proposed two story building height of 9.5 metres and maximum height of 11 metres outlined in DDO27 is appropriate for this type of commercial development. The two storey built form transitions in scale to the surrounding residential areas. DDO27 ensures any future development will not exceed the building height requirements of 11metres.Two storey developments exist in the surrounding residential area. <p>The built form includes elements that are representative of and compatible with the surrounding area such as a pitched roof form and materials and colours.</p> <p>Officer response: Refer the matter of Traffic to the Panel for consideration.</p>
15	Objection	<ol style="list-style-type: none"> 1. Believes there is sufficient number of supermarkets servicing Gisborne and further concerned the site is too small to accommodate a supermarket. 2. Suggestion to prioritise road upgrades and maintenance over creating another retail area 3. Worries about Gisborne's identity and sustainable growth, including smaller block size housing proposals. 4. Questioning the need for a second public high school due to increasing primary schools and new family communities. Concerns about how Gisborne Secondary College will handle the growing number of students. 	<ol style="list-style-type: none"> 1. The Amendment is delivering on the vision of the 2009 Gisborne Outline Development Plan (ODP) and Clause 11.01-1L of the Macedon Ranges Planning Scheme for a Local Activity Centre. It will not have a full line supermarket on the site. 2. Noted. 3. Noted 4. Noted <p>Officer response: No change required</p>

Planning and Environment Act 1987

MACEDON RANGES PLANNING SCHEME

AMENDMENT C153macr PLANNING PERMIT APPLICATION PLN/2022/359

EXPLANATORY REPORT

Overview

Planning Scheme Amendment C153macr is a planning scheme amendment and permit application. It proposes to rezone land located at 101-105 Willowbank Road Gisborne from General Residential Zone Schedule 1 to Commercial 1 Zone, introduce Design and Development Overlay Schedule 27 and vary the Restrictive Covenant PS549356W to allow for the development of a Local Activity Centre.

Alongside the rezoning application, a planning permit application PLN/2022/359 seeks approval for: Buildings and works to construct a supermarket, medical centre, office and food and drink premises (two cafés); and

- A reduction in the number of car parking spaces from 61 to 57 spaces.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Macedon Ranges Shire Council website at <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say>.

The amendment is available for public inspection, free of charge, during office hours at the following places:

Macedon Ranges Shire Council Offices and Service Centres at:

- Gisborne Council Office, 40 Robertson Street, Gisborne
- Kyneton Council Office, 129 Mollison Street, Kyneton

The amendment can also be inspected free of charge at the Department Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person who may be affected by the amendment and/or planning permit may make a submission to the planning authority. Submissions about the amendment and/or planning permit must be received by Tuesday, 13 June 2023. A submission must be sent to:

Macedon Ranges Shire Council
PO Box 151
Kyneton VIC 3444

or can be made via Macedon Ranges Shire Council's 'Have your say' webpage at <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say> or can be sent via email to Macedon Ranges Shire Council at mrsc@mrsc.vic.gov.au.

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions Hearing: Monday, 2 October 2023.

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- Panel Hearing: Monday, 20 November 2023.

Details of the amendment

Who is the planning authority?

This amendment has been prepared by the Macedon Ranges Shire Council which is the planning authority for this amendment.

The amendment has been made at the request of the landowner being Brady Road Investments Pty Ltd represented by Taylors Development Strategists.

Land affected by the amendment

The amendment applies to 3,547 square metres of land at 101-105 Willowbank Road, Gisborne Victoria 3437 (identified as Lot 43 on Plan of Subdivision 549356W) and part of the road reserves of Willowbank Road and Brady Road including Road (R-2) on PS549356W. The site is contained within map 36 of the Macedon Ranges Planning Scheme maps



Figure 1: Amendment site

Source: MRSC Intramaps

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What the amendment does

The amendment proposes to rezone the land from the General Residential Zone, Schedule 1 (GRZ1) to the Commercial 1 Zone (C1Z) to facilitate the development of a future local activity centre. The amendment will also apply a Design and Development Overlay, Schedule 27 (DDO27) to guide the future development of the site and ensure an appropriate built form outcome is achieved. Specifically, the proposed amendment:

- Rezones approximately 3,547 square metres of land, known as Lot 43, PS549356W, at 101-105 Willowbank Road, Gisborne and part of the road reserves including R-2 on PS549356W from the General Residential Zone, Schedule 1 (GRZ1) to the Commercial 1 Zone (C1Z) as shown on Planning Scheme Map No. 36.
- Applies the Design and Development Overlay, Schedule 27 (DDO27) to land at 101-105 Willowbank Road, Gisborne as shown on Planning Scheme Map No. 36DDO.
- Amends the Schedule to Clause 34.01 (C1Z) to insert maximum leasable floor areas of 500 and 1000 square metres for both shop and office respectively.
- Inserts a new Schedule 27 to Clause 43.02 (Design and Development Overlay) to guide the future development of the land, ensure that the character of the area and features are considered, and implement good quality architecture and urban design on the site.
- Amends the Schedule to Clause 52.02 (Easements, Restrictions and Reserves) to insert the following in Schedule sub-section 1.0 (Under Section 23 of the Subdivision Act 1988):

Land	Easement or restriction	Requirement
Lot 43 on Plan of Subdivision 549356W, Volume 11043 Folio 423 (101-105 Willowbank Road, Gisborne)	Restrictive Covenant contained in Instrument of Transfer No. PS549356W	Vary the restrictive covenant to allow fencing other than post and wire fencing and construction of a building with a height of greater than 9 metres and two stories

The amendment is a combined planning permit application and planning scheme amendment under Section 96A of the Act.

The planning permit application seeks approval for:

- The construction of buildings and works associated with a supermarket, medical centre, office and food and drink premises (two cafés); and
- A reduction in the number of car parking spaces from 61 to 57 spaces;

on land known as at 101-105 Willowbank Road, Gisborne and part of the road reserve including R-2 on PS549356W.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to facilitate a future local activity centre on the land to provide for everyday shopping, commercial and medical needs of the surrounding residential community. Since 2009, the site has been earmarked as a local activity centre in the Gisborne/New Gisborne Outline Development Plan, 2009 (2009 ODP). The site is located within the township boundary and is identified as proposed neighbourhood retail within the Gisborne/New Gisborne Framework Plan at Clause 21.13-1 (Gisborne and New Gisborne) of the Municipal Strategic Statement of the Macedon Ranges Planning Scheme.

The Gisborne south area has experienced considerable housing growth, and this is anticipated to continue with the development of the Willow Estate at the eastern end of Willowbank Road. Residents in the nearby area are still required to travel into Gisborne Town Centre (typically by car) to access

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basic services and everyday shopping needs. Delivering on the vision of the 2009 ODP and Clause 21.13-1 will bring a much-needed local service and amenity to the surrounding residential community. The proposed local activity centre also seeks to reduce car dependency for the surrounding area, providing a more proximate centre that prioritises pedestrian/cyclists in its design while also being well serviced by a bus route for alternative sustainable transport options.

The subject site is currently within a General Residential Zone. The current zoning greatly restricts the ability of the site to be developed into a local activity centre as envisioned in local planning policy for the area, as it prohibits most commercial uses or applies stringent conditions to a limited variety of uses. The rezoning of the land at 101-105 Willowbank Road to the Commercial 1 Zone appropriately facilitates the commercial vision of the site to create a local activity centre. It is noted that the Schedule to the Commercial 1 Zone will identify a maximum leasable floor area of 500 square metres for Shop and 1000 square metres for Office for which a permit can be granted to vary such requirements.

The inclusion of the Design and Development Overlay will ensure particular built form outcomes are achieved at the site that is consistent with the character of the surrounding area and appropriately responds to its features and implements good quality architecture and urban design. If this proposed development does not occur, Schedule to Clause 34.01 will trigger a permit for any new development if the maximum floor area sizes are exceeded.

How does the amendment implement the objectives of planning in Victoria?

The proposed amendment implements the objectives of planning in Victoria as outlined in Section 4(1) of the *Planning and Environment Act 1987* (the Act). The relevant objectives are:

(b) *to provide for the fair, orderly, economic and sustainable use, and development of land;*

The proposed amendment provides for the fair, orderly, economic and sustainable use and development of the land by rezoning the affected land to facilitate a local activity centre that will provide basic services and everyday shopping, commercial and medical needs for the surrounding residential communities.

(c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*

The amendment proposes to create a pleasant, efficient and safe working environment and a place for the local community to meet and interact during their daily activities. The proposed amendment provides opportunities for employment and working close to home while encouraging sustainable modes of transport.

How does the amendment address any environmental, social and economic effects?

The proposed amendment rezones the affected land to facilitate a local activity centre, which will create considerable environmental, social and economic benefits by providing essential services in a location that is closer to home for the growing population within the Gisborne south area. The concurrent Section 96A permit application includes specific measures that address the environmental, social and economic effects as detailed below.

Environmental effects

The proposed amendment/permit facilitates a centre that prioritises walking (through upgrade of pedestrian crossing), cycling and other sustainable modes of transport to reduce car dependency for the surrounding residential area in accessing everyday goods and services.

Furthermore, the proposed built form includes a range of sustainable measures to reduce its carbon footprint. The development has a range of environmentally sustainable design features including on-site power generation through roof top solar, use of recycled materials and storm water capture and retention, green lattice and areas for EV charging.

The built form has been designed to be of a scale that is comparable with the surrounding development which is predominantly single storey residential dwellings. The building is at a height of two storeys which exists in the surrounding residential area and is appropriate given the commercial nature of the site. The built form includes elements that are representative of and compatible with the surrounding area such as a pitched roof form and materials and colours.

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Whilst the proposal is commercial in nature and is a more intensive development of the site compared to the rest of the area, the proposal is not considered to have any other environmental impacts including air emissions and light spill and glare. Noise and hours of operation of the proposal are dealt with through standard planning permit conditions. Similarly, waste removal and recycling, truck movements, goods delivery and car parking amenity is also addressed by standard planning permit conditions. All these matters will be considered at the detailed engineering design stage and will be designed to comply with the various requirements.

Social effects

The proposed amendment/permit facilitates a centre that will provide social interaction and a meeting point for the community. Proposed uses such as the medical centre also contribute to the medical precinct which includes an Osteo and Physio within the immediate environs.

The amenity of the surrounding area will be protected through a number of measures including building design and siting that maximise separation with the adjoining residential properties and contains plant equipment within the roof form to conceal and acoustically treat these services. The proposal also includes a 2.4-metre-high acoustic fence along the residential interfaces to ensure compliance with the relevant noise guidelines. Hours of operation are also proposed to be restricted to Monday to Sunday 7am to 7pm with the medical centre operating on reduced hours. Deliveries and waste collection will occur outside of these times. However, these are restricted to be between the hours of 7pm to 8pm which are within the recommended times detailed in the Environmental Protection Authority (EPA) publication 1254.

A traffic impact assessment and car parking demand assessment have been undertaken by the Traffic Engineers (Traffix Group) to consider the impact on the surrounding road network, and on-street car parking availability. The local activity centre will provide close to all car parking requirements within the dedicated car park to the rear of the proposed building. The remaining car parking demand is anticipated to be fulfilled through a combination of multi-purpose trip and sustainable transport alternatives including walking and cycling from the surrounding residential catchment (with bike racks provided at the centre), and to a lesser extent public transport. The surrounding road network has been assessed as able to comfortably cater for the additional vehicles utilising the local activity centre and will not result in any unreasonable queuing at intersections.

Economic effects

The proposed amendment/permit facilitates commercial activity within the local activity centre, which will generate ongoing employment for the surrounding community. It will also provide people with the opportunity to work close to home, as well as stimulating investment in the immediate and surrounding areas.

Distinct from the main town centre in Gisborne, the local activity centre provides for the local everyday needs of the immediately surrounding residential community. Only basic goods and services are available with higher order needs continuing to be serviced by the Gisborne town centre. The amendment provides for a gross leasable floor area (GLFA) floor space cap of 1000 square metres for an office and a cap of 500 square metres for a shop. - If a proposed office or shop use exceeds the maximum (GLFA), a planning permit for such use would be required which will need to consider the overall retail/commercial hierarchy for Gisborne/New Gisborne in any decision making.

Does the amendment address relevant bushfire risk?

Gisborne and the land affected by the amendment are identified as having a low-bushfire risk rating under the Victoria Fire Risk Register while land to the east has a moderate-bushfire risk rating and areas further south of Gisborne have a very high to high-risk rating. The *Regional Bushfire Planning Assessment – Loddon Mallee Region* (DPCD, 2011) does not show the affected land and the immediate area as an 'identified area' with urban/bushfire hazard issues.

The affected land is located in an area with characteristics aligning with broader landscape type 1 [low risk location] as described in the department's *Planning Permit Applications Bushfire Management Overlay Technical Guide*, September 2017.

Some low threat vegetation exists on land to the north and within the Willowbank Estate Reserve, which contains Howey Creek approximately 200 metres to the west of the site. The closest risk to the land and its surrounds is from the grasslands in low-density area to the east and south, the rural living areas to the south and the extensive forested areas to west and south-west, which are located approximately 2.8 kilometres away (nearest land affected by the BMO).

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The land affected by the amendment is not covered by the Bushfire Management Overlay (BMO) and is not in a designated Bushfire Prone Area and is not considered to be at threat of bushfire within the immediate context.

The amendment directs development to a low-risk location and to land assessed as having a BAL-LOW rating under *AS3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2018). The land affected by the amendment is located in an environment where there is good proximity and access to locations where human life can be protected from bushfire including the centre of Gisborne. No alternative locations have been considered for the development.

As such, the amendment is consistent with Clause 13.02-1S as the bushfire risk has been assessed and is considered to be low.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

Ministerial Direction – The Form & Content of Planning Schemes

The proposed amendment complies with the form and content requirements through the use of the correct ordinance templates, appropriate maps and through the provision of the documentation required for an amendment.

Ministerial Direction 11 Strategic Assessment Guidelines

The proposed amendment is supported by reports that have been prepared to aid in the strategic evaluation of the amendment as per Ministerial Direction 11 *Strategic Assessment of Amendments*. There is also existing strategic work within the Macedon Ranges Planning Scheme which supports this amendment, namely the Gisborne/New Gisborne Outline Development Plan (ODP) and Clause 21-13-1 (Gisborne and New Gisborne) To assist with preparing a comprehensive strategic evaluation, Planning Practice Note 46: *Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments* was relied upon for guidance. The strategic assessment guidelines provide a consistent framework for preparing and evaluating a proposed amendment and its outcomes.

Ministerial Direction 15 The Planning Scheme Amendment Process

This ministerial direction sets out the timing for completion of the various steps in the planning scheme amendment process, which will be followed for this amendment. The explanatory report includes the panel hearing dates below.

Ministerial Direction 17 Localised Planning Statements

Ministerial direction 17 has been superseded by the Macedon Ranges Shire Council Statement of Planning Policy – see the below section for relevant details.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The proposed amendment aligns with Objective 8 of the Macedon Ranges Statement of Planning policy, which seeks to: plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.

- Through the application of Schedule 27 to Clause 43.02 (DDO27), the proposed amendment will ensure built-form and design outcomes for any future development will appropriately respond to the areas character and environmental values. Specifically, the objectives of DDO27 encourages outcomes that provide a transition in scale to the residential areas and employ sustainable design measures of hard and soft landscaping and water sensitive urban design to help protect that ecological and environmental values of the site.

The amendment proposes to facilitate a local activity centre that will service an established residential community that will continue to grow within the immediate area.

- 11.01-1L Gisborne and New Gisborne – seeks to establish two local centres to the south and west of the Gisborne area to service new residential areas with basic convenience needs.
- Clause 11.01-1S *Settlement* seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

The proposed amendment will facilitate the establishment local activity centre that services the local medical and convenient shopping needs of residents in the south of Gisborne. The local activity centre will

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help generate employment opportunities for the local area and, facilitate walking and cycling to these services.

- Clause 11.01-1R *Settlement – Loddon Mallee South* seeks to manage and support sustainable growth within the Loddon Mallee South region.

The proposed amendment to facilitate a local activity centre will service the established residential community of Gisborne South and meet the demand of the growing population.

- Clause 11.03-1S *Activity centres* seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

The amendment proposes to facilitate a local activity centre that meets the needs of the existing community that require such services.

- Clause 11.03-3S *Peri-urban areas* seeks to manage growth in peri-urban areas, including within the established town of Gisborne, to protect and enhance their identified valued attributes.

The amendment proposes to facilitate a local activity centre within an established residential area of Gisborne South that will provide a range of facilities to meet the community's needs.

- Clause 11.03-5S *Distinctive areas and landscapes* identifies the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

The amendment proposed will not detract from the distinctive landscape of Gisborne with development proposed over a clear site that is located within an existing residential area.

- Clause 11.03-6S *Regional and local places* contains the following strategies to facilitate integrated place-based planning: Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.

The proposed amendment will facilitate a local activity centre to meet the needs of the existing and future community within the immediate area that is considerate of the existing character of the Gisborne South area.

- Clause 13.05-1S *Noise management* seeks to assist the management of noise effects on sensitive land uses.

The proposed amendment will allow for commercial and office development which will not produce a significant amount of noise in a residential context. Hours of operation and acoustic measures (an acoustic fence) have been incorporated into the design to ensure there are no unreasonable levels of noise.

- Clause 13.07-1S *Land use compatibility* seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

The proposed amendment will facilitate a local activity centre within an established residential area that is not envisaged to create any amenity, human health and safety issues.

- Clause 14.02-1S *Catchment planning and management* seeks to protect and restore catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

The proposed amendment facilitates a future development on site that responds to the relevant objectives and strategies under this provision. The proposal uses 'best practice' water sensitive urban design (WSUD) to retail and reuse stormwater on the site and to avoid negatively impacting the catchment with stormwater runoff.

- Clause 15-.01-1S *Urban design* which seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- Clause 15.01-1L *Urban design Macedon Ranges* which seeks to ensure development in townships respond to key features of existing streetscape elements, emphasising active frontages in commercial areas, passive surveillance, the retention of mature trees and encourage landscaping that incorporates native vegetation.

The amendment proposes to facilitate a local activity centre that will create a quality local scale retail and commercial space that includes active street frontages, building materials, colours and heights that respond the surrounding area and landscaping that incorporates native vegetation.

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- 17.01-1L Diversified economy which seeks to provide sufficient commercial and industrial land to enable an increase in job containment in the shire and to facilitate economic development.
- Clause 17.01-1S *Diversified economy* contains policies to generate employment including:
 - Protect and strengthen existing and planned employment areas and plan for new employment areas.
 - Improve access to jobs closer to where people live.

The proposed amendment strengthens and diversifies the local economy by facilitating a local activity centre that creates jobs close to home and encourages investment in the surrounding area.

- Clause 17.02-1S *Commercial* includes the following strategies:
 - Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
 - Locate commercial facilities in existing or planned activity centres.
 - Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.
 - Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

The amendment proposes to facilitate a local activity centre that will meet the communities' needs for retail, entertainment, office and other commercial services by facilitating the day-to-day convenience shopping and service needs close to where people live.

How does the amendment support or implement the Municipal Planning Strategy?

The proposed amendment/permit supports and gives effect to the following objectives of the Municipal Planning Strategy:

- Clause 02.03-1 - Strategic Directions - Settlement, outlines the settlement hierarchy for the Macedon Ranges Shire and identifies that Gisborne and Kyneton will continue to be the major urban population and employment centres.
- Clause 02.03-5 - Built environment and heritage - Urban design, built form and neighbourhood character. Facilitate industrial and commercial development that is attractive and has a positive impact on the amenity of the area

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by:

- Applying a Commercial 1 Zone to the land to be used for commercial purposes to facilitate the development of a local activity centre. This is the most appropriate zone as it allows for a range of commercial activities akin to the purpose of the local activity centre. The proposed amendment makes appropriate use of the Schedule to Clause 34.01 (Commercial 1 Zone) by including a cap on the square metres gross leasable floorspace for office and shop (unless otherwise approved through a planning permit), to ensure the development provides for local and convenience commercial opportunities.
- Applying the Design and Development Overlay (DDO27) to inform the key development outcomes for the land. This is the most appropriate overlay for the site as it establishes the expectations and requirements of the built form and landscaping so that it is consistent with the character of the area.
- The amendment appropriately uses the Schedule to Clause 52.02 (Easements, Restrictions and Reserves), to vary a restrictive covenant that applies to the land.

The proposed amendment has also been prepared in consideration of the relevant planning practice notes including:

- Planning Practice Note 22 Using the Car Parking Provisions
- Planning Practice Note 58 Structure Planning for Activity Centres
- Planning Practice Note 60 Height and Setback Controls for Activity Centres

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- Planning Practice Note 96 Planning Considerations for Reflected Sunlight Glare

Planning Practice Note 22 *Using the Car Parking Provisions* was utilised in consideration of the car parking supply for the proposed commercial centre under the Section 96A Planning Permit Application. It has been determined that a minor shortfall is required that can be appropriately considered on the basis that the centre encourages walking, cycling and other sustainable transport means and the likelihood of multi-purpose trips.

Planning Practice Note 58 *Structure Planning for Activity Centres* provides guidance on the development of activity centres and has been considered as part of this rezoning application and concurrent permit application for a local Activity Centre. A clear vision of the purpose of the LAC is outlined in the Gisborne/New Gisborne Outline Development Plan (ODP) and Clause 21-13-1 (Gisborne and New Gisborne) to deliver basic everyday goods and services to the growing Gisborne South residential community.

Planning Practice Note 60 *Height and Setback Controls for Activity Centres* provides built form guidance for the future local activity centre proposed. Considering the surrounding low scale residential environment, the proposed built form is to be in keeping with the existing character while also distinguishing itself as a commercial centre. This practice note has been used in guiding the preparation of the proposed Design and Development Overlay that applies to the site and controls the built form outcome.

Planning Practice Note 96 *Planning Considerations for Reflected Sunlight Glare* has been used in guiding the preparation of the proposed Design and Development Overlay that applies to the site and controls the built form outcome, materials and finishes of the development to minimise the potential of reflected glare.

How does the amendment address the views of any relevant agency?

The views of all relevant agencies will be sought through the exhibition of the amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not expected to have a significant impact on the transport system or the objectives or decision-making principles of the *Victorian Transport Integration Act 2010*. The combined amendment/application/permit includes a traffic impact assessment by Traffix Group which demonstrates that the local activity centre will not have an unreasonable impact on the surrounding road network and adequate parking is provided on site to meet the anticipated needs of the centre.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The cost of the combined amendment/application/permit will be covered by the proponent. The amendment will not pose unreasonable resource and administrative costs on the Macedon Ranges Shire Council in its normal capacity as the responsible authority.

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*Planning and Environment Act 1987***MACEDON RANGES PLANNING SCHEME****AMENDMENT C153macr****INSTRUCTION SHEET**

The planning authority for this amendment is the Macedon Ranges Shire Council.

The Macedon Ranges Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 2 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No. 36 in the manner shown on the 1 attached map marked "Macedon Ranges Planning Scheme, Amendment C153macr".

Overlay Maps

2. Amend Planning Scheme Map No.36DDO in the manner shown on the 1 attached map marked Macedon Ranges Planning Scheme, Amendment C153macr.

Planning Scheme Ordinance

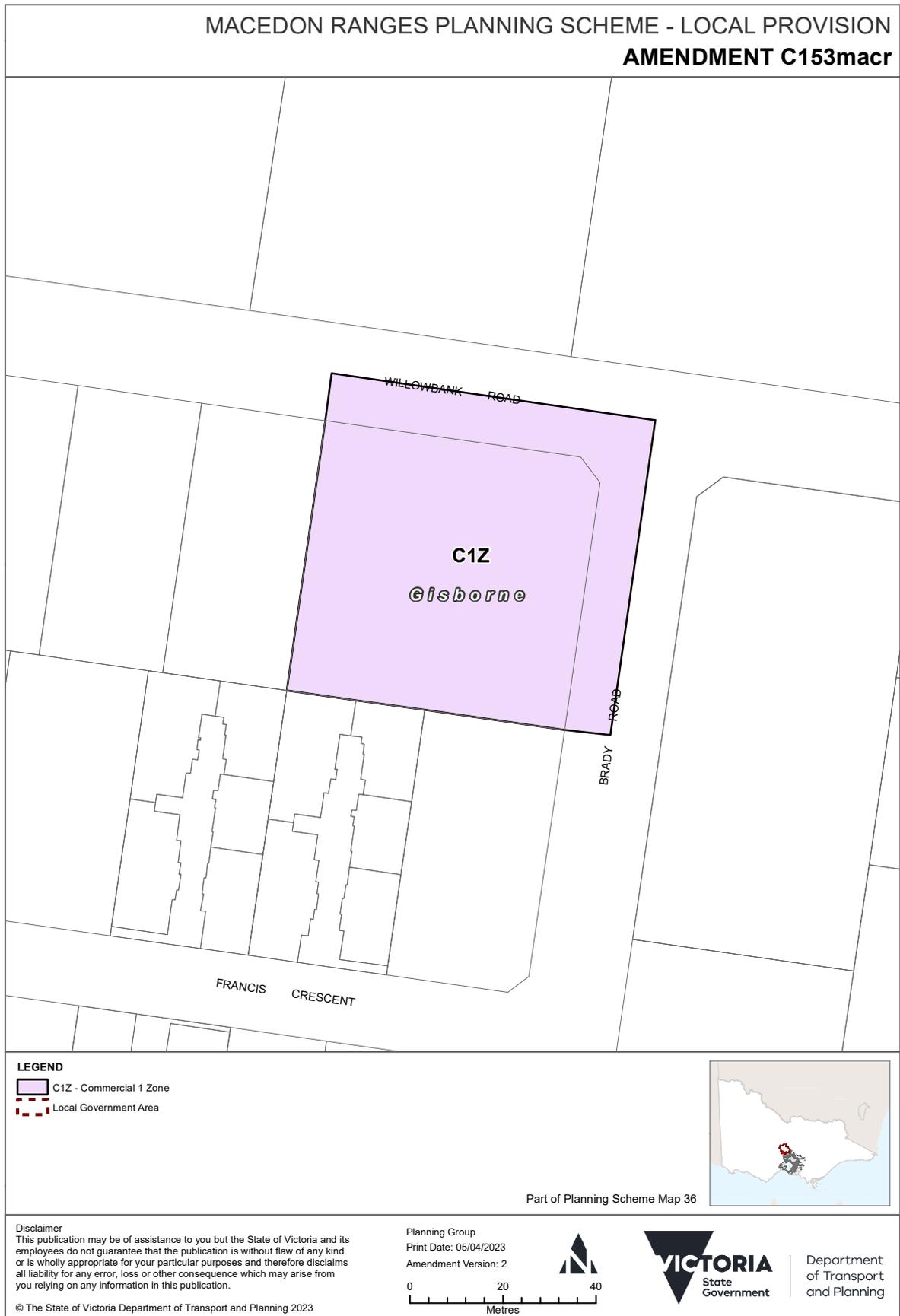
The Planning Scheme Ordinance is amended as follows:

3. In **Zones** – Clause 34.01, replace the Schedule with a new Schedule in the form of the attached document.
4. In **Overlays** – Clause 43.02, insert a new Schedule 27 in the form of the attached document.
5. In **Particular Provisions** – Clause 52.02, replace the Schedule with a new Schedule in the form of the attached document.

End of Document

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MACEDON RANGES PLANNING SCHEME

Proposed C153macr

SCHEDULE 27 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO[27].

101-105 WILLOWBANK ROAD GISBORNE**1.0 Design objectives**

Proposed C153macr

To provide for a low-rise local activity centre that provides a transition in scale to the adjacent residential areas.

To create an active frontage and high-quality built form outcome that uses contemporary materials, forms and finishes to Willowbank and Brady Roads.

To support development that provides high-quality streetscapes that prioritises safety, pedestrian access, active transport and public gathering spaces.

To support environmentally sustainable development with hard and soft landscaping and water sensitive urban design measures throughout the site.

2.0 Buildings and works

Proposed C153macr

A permit is required to construct a fence.

Design requirements

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

Building siting

- Buildings should have zero setbacks at the street edge and a maximum wall height of 11 metre at the street.
- Buildings should be located and arranged to allow daylight and sunlight access to key public spaces and key pedestrian street spaces.
- Buildings must address the street and corner location with car parking located to the rear, side or underneath the development.

Building design

- Buildings should:
 - Prioritise pedestrian access, including a small plaza area or 'gathering point' for public use.
 - Provide for building scale, forms, materials and finishes that respects the existing character of the area.
 - Locate and arrange buildings to allow daylight and sunlight access to public and pedestrian street spaces.
 - Locate pedestrian entries that are accessible from the street or public use plaza/gathering point.
 - Provide lighting for a safe night-time environment that is kept to a pedestrian scale and avoids light spill into the surrounding residential areas.
 - Place the windows of buildings to overlook the streets.
 - Locate any residential development above ground level to complement the site being commercial.

MACEDON RANGES PLANNING SCHEME

Access

- Locate car parks to the rear, side or underneath of the buildings they serve.
- Position pedestrian paths through car park areas to align with building entries and public spaces.

Public realm and landscaping

- Locate seating to provide users with an interesting outlook and opportunities for passive surveillance.
- Use resilient and high-quality materials that are easily cleaned, maintained and repaired or recycled.
- Position trees to provide summer shade and shelter and protect from strong winds.
- Ensure lighting supports night-time social and recreational activity, amenity and safety in the public realm.
- Use lighting types that minimise distortion and glare, and maximise colour recognition of objects and surfaces.
- Provide shade to parking spaces and pedestrian paths.
- Provide landscaped planter bays and islands throughout car parks to break up any large expanses of paved parking.

3.0 Subdivision

Proposed C153macr None specified.

4.0 Signs

Proposed C153macr The following signage requirements apply to any application to construct a sign, in addition to those specified in Clause 52.05 and elsewhere in the scheme:

- Large format signage, billboards or buildings covered in branded colours or text should be avoided.
- Signage must not dominate or intrude upon the character and visual amenity of the area.
- Signs should be integrated into the design of the buildings and should not visually dominate the building.
- Signs located on the roof top, and fascia-mounted signs that project above the fascia of the verandah are discouraged.
- Any signage illumination must not cast unreasonable light spill onto the adjoining road and neighbouring properties.

5.0 Application requirements

Proposed C153macr None specified.

6.0 Decision guidelines

Proposed C153macr The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development provides for a low-rise local activity centre that provides a transition in scale to the adjacent residential areas.
- Whether the development creates an active frontage and high-quality built form outcome that uses contemporary materials, forms and finishes to Willowbank and Brady Roads.

MACEDON RANGES PLANNING SCHEME

- Whether the development promotes a high quality streetscape that prioritises safety, pedestrian access, active transport and public gathering spaces.
- Whether the proposal implements environmentally sustainable design measures with hard and soft landscaping and water sensitive urban design throughout the site.

MACEDON RANGES PLANNING SCHEME

10/09/2021
C131macr

SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE

1.0

Maximum leasable floor area requirements

Proposed C153macr

Land	Maximum leasable floor area for Office (square metres)	Maximum leasable floor area for Shop (other than Restricted retail premises) (square metres)
101-105 Willowbank Road, Gisborne, Victoria 3437- Lot 43 on Plan of Subdivision 549356W.	1,000	500

MACEDON RANGES PLANNING SCHEME

10/09/2021
C131macr

SCHEDULE TO CLAUSE 52.02 EASEMENTS, RESTRICTIONS AND RESERVES

1.0

Under Section 23 of the Subdivision Act 1988

Proposed C153macr

Land	Easement or restriction	Requirement
Lot 43 on Plan of Subdivision 549356W, Vol 11043 Fol 423 (101-105 Willowbank Road, Gisborne).	Restrictive Covenant contained in Instrument of Transfer No. PS549356W.	Vary the restrictive covenant to allow fencing other than post and wire fencing and construction of a building with a height of greater than 9 metres and two stories.

2.0

Under Section 24A of the Subdivision Act 1988

19/01/2006
VC37

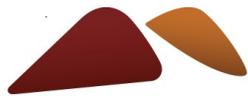
Land	Person	Action
None specified		

3.0

Under Section 36 of the Subdivision Act 1988

19/01/2006
VC37

Land	Easement or right of way	Requirement
None specified		



Macedon Ranges
Shire Council

PO Box 151
KYNETON Vic 3444
Tel: (03) 5422 0333
Email: mrsc@mrsc.vic.gov.au

Form 9

Section 96J

PLANNING PERMIT GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987

PERMIT NUMBER: PLN/2022/359

PLANNING SCHEME: Macedon Ranges Planning Scheme

RESPONSIBLE AUTHORITY: Macedon Ranges Shire Council

ADDRESS OF THE LAND: LOT 43 including R-2, as identified on PS 549356W P/Gisborne 101-105 Willowbank Road GISBORNE

THE PERMIT ALLOWS: Construction of buildings and associated works for a supermarket (370m2), medical centre (452m2), office (300m2) and food and drink premises (two cafes – 170m2) and a reduction in the number of car parking spaces under Clause 52.06 (Car Parking).

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the development starts, an electronic copy of 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 drawn to scale with dimensions and generally in accordance with the plans prepared by Clarke Hopkins Clarke Ref. No. 210037 dated 10.06.2022 but modified to show:
 - a) A driveway separation island with maximum 70-degree angle to Brady Road with the splay outside.
 - b) The location of a “No right turn sign” along Brady Road.
 - c) The location of a rainwater tank with a minimum capacity of 10,000 litres to capture stormwater from the rooftops of the buildings for harvesting and re-use.
 - d) The location of a pedestrian crossing line on Brady Road.
 - e) The location of a stormwater detention system demonstrating a 10-year ARI post-development flow restricted to the predevelopment stage.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. Before the development starts, three copies of a 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 then form part of this permit. The landscape plan must be drawn to scale with dimensions and generally in accordance with the endorsed site plan. The landscape plan must show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed and any natural features.
 - b) The area or areas set aside for landscaping.

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- c) A planting schedule of all proposed trees, shrubs/small trees and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material.
 - e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill.
 - f) An irrigation system to all landscaped areas that includes any deep-rooted trees and shrubs around the perimeter and internal to the site.
 - g) Landscaping along the eastern façade of the supermarket and northern façade of the medical centre in the form of groundcovers and vertical landscape climbers to create a 'green-wall'.
 - h) The removal of the two existing street trees in the road reserve of Willowbank Road to allow for the construction of a new crossover and to reduce any future building façade/tree conflicts.
 - i) The location of new street trees in the road reserves of Willowbank Road and Brady Road adjacent to the new development.
 - j) The street tree species selection including small to medium size at maturity to ensure no future conflicts with the building and facade.
 - k) Trees spaced at a minimum of every 10 metres and in appropriate locations. A plant schedule for proposed tree species showing a minimum supply size of a 45 litre pot and 1.6 metres in height.
 - l) The following notations:
 - *Tree planting is to occur between April and 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.*
 - *Before installed, street tree locations are to be set out and approved on the land by the responsible authority.*
 - *It is the responsibility of the contractor to confirm the location of all underground services before any excavation starts.*
4. Before the buildings are occupied, landscaping as shown on the endorsed landscape plans must be completed, unless approved in writing by the responsible authority, and must be maintained to the satisfaction of the responsible authority for a period of two (2) years from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas must be replaced or repaired during the period of maintenance and must not be deferred until the completion of the maintenance period.
5. No more than seven (7) medical practitioners may operate from the premises at any one time without the written consent of the responsible authority.
6. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.

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- 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.

~~7. [Noise levels emanating from the premises must not exceed those required to be met under EPA Publication 1826.4 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues \(the Noise Protocol\) as amended from time to time, to the satisfaction of the Responsible Authority.](#)~~

~~7. [Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy \(Control of Noise from Commerce, Industry and Trade\) No. N-1 to the satisfaction of the responsible authority.](#)~~

- 8. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land to the satisfaction of the responsible authority.
- 9. All exterior plant equipment located on the rooves of the buildings must be installed in a manner to be visually obscured from nearby roads, surrounding properties and acoustically treated in accordance with condition 7 to the satisfaction of the responsible authority.
- 10. Before the buildings are occupied, a 2.4 metre high acoustically rated perimeter fence must be constructed along the western and southern boundaries of the site.

MRSC Engineering & Projects Conditions

- 11. Before the buildings are occupied, a potable water supply (rainwater tank) with a storage capacity of at least 10,000 litres must be provided for use by the development to the satisfaction of the responsible authority.
- 12. No polluted and/or sediment-laden run-off is to be discharged directly or indirectly into drains or watercourses.
- 13. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the responsible authority.
- 14. Before works start, engineering plans detailing the stormwater drainage must be submitted and approved by the responsible authority and the plan and supervision fees paid. The plans must be drawn to scale with dimensions and show:
 - a) A drainage system for the whole of the development with a legal point 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 drained to a legal point of discharge.
 - c) All drainage courses or outfall drainage lines required to the legal point of discharge, and which pass through lands other than those within the boundaries that is constructed at no cost to the responsible authority.
 - d) All drainage courses contained within expressed drainage easements.
 - e) The flow paths of a 1 in 10 year ARI storm so that no private property is inundated.
 - f) The drainage system must have provision for runoff from the upstream catchments and include any downstream works necessary to manage flows from the development.
 - g) A gross pollutant trap incorporated into the drainage system.

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15. Before development starts, a construction management plan must be submitted to and approved by the responsible authority. The construction management plan must show:
 - a) Measures to control erosion and sediment and sediment-laden water runoff including the design details of structures.
 - b) Measures to control air emissions including dust.
 - c) Measures to prevent the spread of environmental weeds and pathogens.
 - d) The location of any construction wastes, equipment, machinery, and/or earth to be stored/stockpiled during construction.
 - e) The location of access to the land for construction vehicle traffic.
 - f) The location of any temporary buildings or yards.

The construction works on the land must be undertaken in accordance with the endorsed construction management plan to the satisfaction of the responsible authority.
16. Before the buildings are occupied, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be to the satisfaction of the responsible authority:
 - a) Constructed.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Surfaced with an all-weather seal coat or treated to the satisfaction of the responsible authority to prevent dust and gravel from being emitted from the land.
 - d) Drained and maintained.
 - e) Clearly line marked to indicate each car space and all access lanes.
 - f) Clearly marked to show the direction of traffic along access lanes and driveways.
17. Car spaces, access lanes and driveways must be kept available for these purposes at all times to the satisfaction of the responsible authority.
18. No fewer than 57 car spaces must be provided on the land for the development including two (2) spaces clearly marked for use by disabled persons.
19. Before the buildings are occupied, two new crossovers within the road reserves of Willowbank Road and Brady Road must be constructed with a sealed surface and a driveway separation island to the satisfaction of the responsible authority.
20. Before the buildings are occupied, the driveway to the development must be constructed to meet the following requirements to the satisfaction of the responsible authority:
 - a) The driveway must be constructed to a standard so that it is accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - b) The driveway must have a minimum trafficable width of 3.5 metres, be clear of encroachments 4 metres vertically and have no obstructions within 0.5 metres on either side of the formed width of the driveway.
 - c) The average grade must be no more than 1 in 7 with a maximum of no more than 1 in 5 for no more than 50 metres.
 - d) Dips must have no more than a 1 in 8 entry and exit angle.

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21. Before the buildings are occupied, an environmental management plan must be submitted to and approved by the responsible authority. The plan must detail how issues such as erosion prevention, temporary drainage, dust generation, and sediment control will be managed, on-site, during the operation of the use permitted. Details of a contact person/site manager must also be provided so that this person can be easily contacted should any issues arise.

Expiry of Permit

22. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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Date Issued:

Signature of the Responsible Authority: _____

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. The permit was granted by the Minister under section 96I of the Planning and Environment Act 1987 on approval of Amendment No.C153macr to the Macedon Ranges Planning Scheme.

WHEN DOES A PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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 five 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 REVIEWS?

- In accordance with section 96M of the Planning and Environment Act 1987, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

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

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9.2	PLN/2004/429/A - SERVICE ROAD BETWEEN AITKEN STREET AND HAMILTON STREET
Application Details:	Use of the Land for the purpose of Market (Arts and Farm Produce)
Officer:	Awais Sadiq, Coordinator Statutory Planning
Council Plan relationship:	3. Improve the built environment
Attachments:	<ol style="list-style-type: none"> 1. Conditions ↓ 2. Statement of Planning Policy Assessment ↓ 3. Plans ↓
Triggers for a planning permit	Section 72 of the Planning and Environment Act 1987: A person who is entitled to use or develop in accordance with a permit may apply to the responsible authority for an amendment to the permit.
Zones and Overlays	Clause 36.04 – Transport Zone (Schedule 2) Clause 36.01 – Public Use Zone (Schedule 6) Clause 43.01 – Heritage Overlay (Schedule 289) Abuts Heritage Overlay (Schedules 86, 288, 291 and 297) Clause 44.04 – Land Subject to Inundation Overlay (Schedule) Clause 45.06 – Development Contributions Plan Overlay (Schedule 2)
No. of objectors	8 Objections and 44 Letters of Support
Trigger for report to the Committee	Councillor Call in
Key Considerations	Impacts on the amenity of the surrounding area, economic development and the traffic.
Conclusion	Notice of Decision to Grant to Amend a Permit subject to conditions.
Date of receipt of application:	25 April 2023 (Amended Proposal)

Summary

Planning Permit PLN/2004/429 was issued on 25 October 2004 allowing use of the land for the purpose of Farm Produce Market.

It is proposed to amend this planning permit to expand the area of operation, the permit preamble, and hours of operation.

The application was advertised and eight objections and forty four letters of support have been received to date.

Key issues to be considered relate to the impact of the proposal on the amenity of the surrounding area, economic development, and the traffic.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered appropriate. It is recommended that a Notice of Decision to Grant to Amend the Permit be issued.

Recommendation

That the Committee support the Planning Permit Application PLN/2004/429/A and a Notice of Decision to Grant to Amend a Permit be issued for Use of the Land for the Purpose of Market (Arts and Farm Produce) at Service Road between Aitken Street and Hamilton Street subject to the conditions outlined in Attachment 1.

Existing conditions and relevant history

Subject land

The subject site comprises eastern road reserve along the Aitken Street and northern road reserve along Hamilton Street, excluding the Howey Reserve and the former site of the police house. The reserve comprises asphalt sealed roadway and adjoining wide landscape area planted with mature street trees.

Surrounds

Surrounding area to the east of Aitken Street comprises Gardiner Reserve and is zoned Public Park and Recreation. Some commercial properties are also located to the east of Aitken Street adjacent to the road reserve. Northern side of the Hamilton Street comprises Gisborne Mechanics Institute and Old Court House which are zoned Public Use. Surrounding area in general along Aitken Street and Hamilton Street displays commercial character comprising various retail uses.

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

No title exists for the site.

The market operates within the road reserve of Hamilton and Aitken Streets.

Previous planning permit history

A search of Council’s records has found the following permit history:

Permit No.	Description
PLN/2004/429	Use of the Land for the purpose of Farm Produce Market

Proposal

Council issued a planning permit for a Farm Produce Market on 25 October 2004 subject to conditions. The market has been operating continuously since then (with the exception of 22 months during COVID 19).

The proposal seeks to amend the existing planning permit as follows:

- Amend the area of the existing market along Hamilton Street to include additional area to the east and the Mechanics Institute (as required during winter).
- Amend the preamble of the permit to “Use of the Land for the purpose of Market (Arts and Farm Produce)”.
- Amend the hours of operation condition to:
 “Hours of operation permitted for the use are”:
 9:00am – 2:00pm on the first Sunday of each month from January to December (inclusive).
 Market setup from 6am to 9am and market pack-down from 2pm to 3pm.

- No additional car parking is proposed to support the market.

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. Attachment 2 contains the officer assessment against the SOPP.

Planning Policy Framework

Clause no.	Clause name
11.03-3S	Peri-Urban Areas
13.02-1S	Bushfire Planning
13.07-1S	Land use compatibility
13.07-1L	Land use compatibility – Macedon Ranges
17	Economic Development

Zoning

Clause no.	Clause name
36.04	Transport Zone (Schedule 2)
36.01	Public Use Zone (Schedule 6)

Overlay

Clause no.	Clause name
43.01	Heritage Overlay (Schedule 289 – Memorial Precinct - Howey Reserve) Abuts Heritage Overlay (Schedules 86, 288, 291 and 297)
44.04	Land Subject to inundation Overlay (Schedule)
45.06	Development Contribution Plan Overlay (Schedule 2)

Particular provisions

Clause no.	Clause name
52.06	Car Parking
52.29	Land Adjacent to the Principal Road Network

General provisions

Clause no.	Clause name
65	Decision Guidelines

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	Yes

	Assessment criteria	Assessment response
	3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	
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> ?	No
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

Authority (Section 55)	Response
Department of Transport and Planning	No objection subject to conditions.

Authority (Section 52)	Response
Melbourne Water	No response has been received.
MRSC Heritage	No objection.
MRSC Health	No objection.
MRSC Economic Development	No objection.
MRSC Engineering	No objection subject to conditions.
MRSC Recreation and Open Space	No objection.

Advertising

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987. Eight (8) objections and forty four (44) letters of support for the application have been received.

The concerns raised relate to:

- Traffic.
- Risk of accident.
- Car parking impact on park areas.
- Not appropriate location for the market.
- Covid 19 impacts.

- Impact on local businesses.
- Damage to reserve.
- Impact on trees.
- Car parking within local streets.
- Litter.
- Impact on environment.
- Pedestrian safety.
- Amenity impacts.
- Incorrect address.
- Ownership of the land unclear.
- Establishment of existing use rights.
- Prohibited use.
- No financial information.
- Not correct advertising.

Following comments have been made in support of the application:

- Promotion of Tourism.
- Support for local community and business.
- Bringing income into Shire.
- Professionally organised market.
- One of the best markets in Victoria.

Officer assessment

Clause 13.02-1S seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. The market operates within road reserves of Aitken Street and Hamilton Street in the established area of Gisborne and any hazard from bushfire can easily be managed.

Clause 13.07 at state and local level seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. The proposal will not unreasonably impact the amenity of the area as the use is already operating once a month and the amendment to the proposal will not result in any additional amenity impacts. Standard conditions will be included in relation to the protection of the amenity. The intensity of the market being once a month within the main commercial area of the Gisborne will not result in any unreasonable amenity impacts.

The amendment is considered appropriate given the location in the road reserve within the main commercial area of the Gisborne and promotes the objectives of the Gisborne Township by encouraging tourism and economic development in the township.

The market will continue support the economic development policies as it will provide opportunity for various commodities to be available to residents and visitors and ensure ongoing viability of economic activity in the Shire. It will continue to provide net community benefit in relation to employment. The market will also benefit local farming businesses. It

will have high visibility from passing commuters and will attract multi-purpose visitors to the centre of town. Overall, it is deemed that the proposal complies with the Planning Policy Framework.

In terms of location, the subject site is well located for a market given it is within the community services area of the township and provides good access to the main business area. The market is located within an area which is used for community services and there is sufficient area along the market area and on the adjacent road reserve to ensure minimal impact on the abutting commercial area.

One of the key decision guidelines under the Transport Zone is to consider the views of the relevant road authority. The application was referred to Department of Transport and Planning and no objection has been raised from Department of Transport and Planning subject to conditions requiring a traffic management plan. The proposal will not reasonably impact the traffic on the road as it will be conducted within the road reserve. The proposed amendment will result in better traffic movement via the implementation of traffic management plan as the existing permit for the market does not include any requirement for a traffic management plan.

Overlays

Development Contribution Plan Overlay (Schedule 2). Heritage Overlay and Land Subject to Inundation Overlay (Schedule) apply to this site, however a permit is not required under these overlays. It is however important to mention that as part of the amendment application, market operator has agreed to not using the Howey Reserve heritage area for market and this will be enforced via endorsed plans forming part of amended permit.

Parking

Given the nature of the open market it is difficult to determine an exact number of parking spaces and as such no parking requirements are specified for such uses and therefore the parking will be to the satisfaction of the Responsible Authority.

The application was referred to Council's Engineering Department and no concern has been raised in relation to car parking. It is however considered that the parking will be absorbed in the surrounding area. It is also noted that the market will occur only once per month and is likely to attract multipurpose visits from locals and visitors and thereby managing car parking demand.

Objectors' Concerns

Objectors have raised following concerns:

- Traffic.
- Risk of accident.
- Car parking impact on park areas.
- Not appropriate location for the market.
- Covid 19 impacts.
- Impact on local businesses.
- Damage to reserve.
- Impact on trees.
- Car parking within local streets.
- Litter.

- Impact on environment.
- Pedestrian safety.
- Amenity impacts.
- Incorrect address.
- Ownership of the land unclear.
- Establishment of existing use rights.
- Prohibited use.
- No financial information.
- Not correct advertising.

The application was referred to Department of Transport and Planning as the market operates along Department of Transport and Planning roads (Aitken Street and Hamilton Street) reserve/service road.

The Department of Transport and Planning are the land manager and has raised no concern in relation to the amendment. The Department of Transport and Planning has requested a condition in relation to the requirement of a Traffic Management Plan for the operation of the market. Traffic Management Plan will ensure the smooth flow of traffic. Traffic management plan condition was not included on the original permit however it will be included on the amended permit which will ensure that the traffic from the market is managed appropriately.

The application was referred to MRSC Engineering Department and no concerns has been raised by either Department of Transport and Planning or MRSC Engineering Department in relation to risk of accidents.

The market is already in operation and this proposal seeks to amend the existing permit. The original permit for the market was granted on the basis that the location of the market is appropriate. Covid 19 impacts are not considered to be relevant ground of objection. As mentioned above market operates once a month therefore it will not impact local businesses. Alternatively, the local businesses will benefit from the operation of the market as people visiting the market will most likely visit the local shops for food and shopping which is evident by the number of support letters being received as part of the advertising of the amendment application.

The market has been in operation since 2004 and since the operation of the market no significant impact has been occurred to the reserve and the trees. It is important to mention that no permanent structures have been built as part of the market within the reserve or within the tree protection zones of the trees. The market operates once a month with only temporary stalls. The application was referred to MRSC Open Space Unit and no concerns have been raised and as discussed above market will not operate within the Howey Reserve area.

A condition will be included on the amended for the management of the waste. The amendment to the market use will not impact the safety of the pedestrians as the market operates within the service road area. A pedestrian signal is available along Aitken Street to assist pedestrians for road crossing. An amended permit will not increase the amenity impacts in the area. Market operates in an established commercial area of the Gisborne and such uses are more appropriate within such setting.

Permit conditions will be included in relation to the protection of the amenity which current does not exist on the permit. The address of the location of the market was correct as the

market operates along the road reserves with no proper street address. Advertising was conducted properly requiring the applicant to display two notices one along Hamilton Street and one along Aitken Street, publish a notice in Gisborne Gazette and place a notice on various community notice boards within the Gisborne Township.

In relation to heritage, the application was referred to MRSC Heritage Advisor who has raised no objection to the proposal. No permanent structures will be built as part of the proposal that can impact the heritage values. The application was also referred to Melbourne Water in relation to flooding issues and no objection has been raised by Melbourne Water.

The original permit restricted the area for the market and the months in which the market could operate however market area was expanded and the market started to operate throughout the year. This has been occurred for more than 15 years therefore the market has existing use rights in relation to this. Council officers have accepted this existing use rights. Nevertheless, the market operator has applied for a permit to amend the permit to include all the changes that have occurred since time and the operator is not seeking to claim existing use rights. The use is not prohibited within the road reserve and as discussed above there is an existing permit allowing the use and the proposal seeks to amend the existing permit. Financial information from the market operator is not required for the assessment of the application.

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.

Conclusion

Overall the proposal is considered to have economic benefits and it will not result in any unreasonable impacts on the amenity of the surrounding area and the traffic.



Attachment 1 - Conditions

Planning Delegated Committee Meeting – 13 September 2023
APPLICATION TO AMEND PLANNING PERMIT PLN/2004/429/A -
USE OF THE LAND FOR THE PURPOSE OF FARM PRODUCE
MARKET (AMENDMENT SOUGHT TO EXPAND THE AREA OF
OPERATION, THE PERMIT PREAMBLE AND HOURS OF
OPERATION) – SERVICE ROAD BETWEEN AITKEN STREET
AND HAMILTON STREET, GISBORNE

Permit Preamble be amended to read as:

“Use of the Land for the purpose of Market (Arts and Farm Produce)”

Amended Permit to include following conditions:

1. Within one (1) month from the date of this permit, amended plans to the satisfaction of the Responsible Authority 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:
 - a) Removal of the usage of 2-4 Hamilton Street for the purpose of market;
 - b) Annotation on the plan “No stalls to be located within the Howey Reserve Area fronting Hamilton Street”.
2. The layout of the use on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
3. Unless with the prior written consent from the Responsible Authority, the use hereby permitted may only operate on the first Sunday of each month between the following hours:
 - a) Set up time 6.00am to 9.00am
 - b) Market Trading: 9.00am to 2.00pm
 - c) Pack up: 2.00pm to 3.00pm
4. The use hereby permitted must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected, through the:





- a) Transport of materials, goods or commodities to or from the land;
 - b) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - c) Presence of vermin.
5. Provision shall be made for appropriate management of waste disposal including provision from recycling and disposal of garbage, to the satisfaction of the Responsible Authority. All waste must be removed from the site at the end of each market to the satisfaction of the Responsible Authority.
6. Provision shall be made for safe pedestrian access (including disabled) through the site including access to/from all footpaths external to the site and businesses adjacent to the site which are open during the event.
7. Stalls to be located near the pedestrian crossing entry of the Gardener Reserve from Aitken Street must not impede the visibility for pedestrians and traffic, to the satisfaction of the Responsible Authority.

MRSC Engineering Condition

8. 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 Council land to a stormwater drain.
 - d) Opening, altering or repairing a Council road.
 - e) Opening, altering or repairing a Council drain.
 - f) Accessing a building site from a point other than a crossover.
 - g) Construct/repair/widen/remove any crossover.

Department of Transport Conditions

9. Prior to commencement of the first monthly event, a Traffic Management Plan (TMP) must be submitted and approved in accordance with the [Code of Practice for Worksite Safety - Traffic Management](#) to the satisfaction of and at no cost to Head, Transport for Victoria and the Responsible Authority.
10. Should the TMP require the use of traffic control devices, then the appropriate authorisation (ie. a Memorandum of Authorisation (MoA)) is required. Only VicRoads Pre-qualified Contractors are to be engaged.
11. The use must operate in accordance with the submitted TMP unless otherwise agreed in writing by the Head, Transport for Victoria.

Expiry of Permit





12. This permit will expire if the use hereby permitted is not commenced within 2 years of the date of this permit. The Responsible Authority may extend this period if a request is made in writing before the permit expires, or within 6 months afterwards.

Permit Notes

- A copy of the Certificate of Currency of the Market Public Liability Insurance is to be provided to the Council at eventsandfilming@mrsc.vic.gov.au every year.



Consistency of the proposal with the Statement of Planning Policy (SOPP):

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
1	To ensure the declared area's natural and cultural landscapes are conserved and enhanced.		✓			
		Manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced.				
		Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.				
		Manage development around significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points.				
		Manage development and infrastructure provision to ensure sequences of views from key road and rail corridors are maintained for current and future users.				
2	To ensure the significant biodiversity, ecological and environmental values of the declared area are conserved and enhanced.		✓			
		Conserve and enhance high-value native vegetation and biodiversity and their ecological integrity by undertaking responsible environmental management, planning, procedures and practices.				
		Utilise appropriate historical ecological knowledge and practices from Traditional custodians of the land in the management of biodiversity and ecological and environmental values.				
		Encourage ecological restoration works in areas of identified state, regional and locally significant biodiversity value.				
		Establish and improve bio links to connect high value ecological areas, including areas along waterways and areas within and between towns.				

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Minimise the effects of weeds and pest animals on biodiversity values by establishing and implementing best practice land management plans.				
3.	To prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.				N/A	
		Protect water quality and natural systems by discouraging development that contributes to the degradation of water quality and quantity.				
		Manage land use and development, including dams, in Declared Water Supply Catchments to retain and improve water quality and improve yield to support regional water needs and to increase system-wide capacity to respond to demand.				
		Reinforce the role of waterways as biodiversity linkages and as corridors for native plants and animals.				
		Ensure water supply and land use planning policies are integrated, to realise efficiencies in regional catchment management and best practice, water-sensitive urban design.				
		Address the expected impacts of climate change, including changes in the duration and frequency of rainfall events and changes in the intensity and frequency of bushfire events.				
		Review and improve regulation and monitoring of groundwater licences and surface water diversions.				

4.	To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.				N/A	
		With Traditional Owners, identify, protect, conserve and enhance sites, landscapes and views of Aboriginal cultural significance, consistent				

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans.				
		With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning and managing land use and development, water and other environmental resources.				
5.	To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.				N/A	
		Conserve and enhance the character of state and/or nationally significant post-contact cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the declared area's heritage places, precincts and landscapes, including sequences of views along main road and rail routes.				
		Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.				
6.	To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.				N/A	

		Encourage the use of rural-zoned land for agricultural purposes and encourage the use of high-quality soils for soil-based agriculture.				
		Encourage and support innovations in agricultural practices (such as sustainable farming, water reuse, technologies to enable farming to adapt and respond to emerging and niche markets).				
		Support agricultural practices that improve soil health and respond to and encourage adaptation to climate change.				
		Encourage measures to ensure agricultural practices protect and enhance soil quality, water quality, biodiversity and native plants and animals.				

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Manage the effects of rural land use and development on important environmental and cultural values.				
		Restrict the supply of rural-living-zoned land to conserve and protect agricultural practices.				
		Protect strategic extractive resource areas and existing quarry operations from encroachment from inappropriate development.				
		Proposals to establish an extractive industry must adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.				
7.	To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.		✓			
		Support and facilitate sustainable and responsible tourism and recreation-related land uses and developments (such as agritourism) in keeping with the declared area's significant landscapes, environmental and cultural values.	✓			The proposal will result in enhanced economic development within the Shire. It will promote tourism.
		Facilitate tourism-related land use and development that encourages people to recognise and understand Aboriginal and post-contact cultural heritage.	✓			As above.

		Ensure the conservation and enhancement of Declared Water Supply Catchment Areas of regional or state significance in the planning of tourism and recreational land uses.			N/A	
		Protect the unique rural character of towns in the declared area.			N/A	
8.	To plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.				N/A	

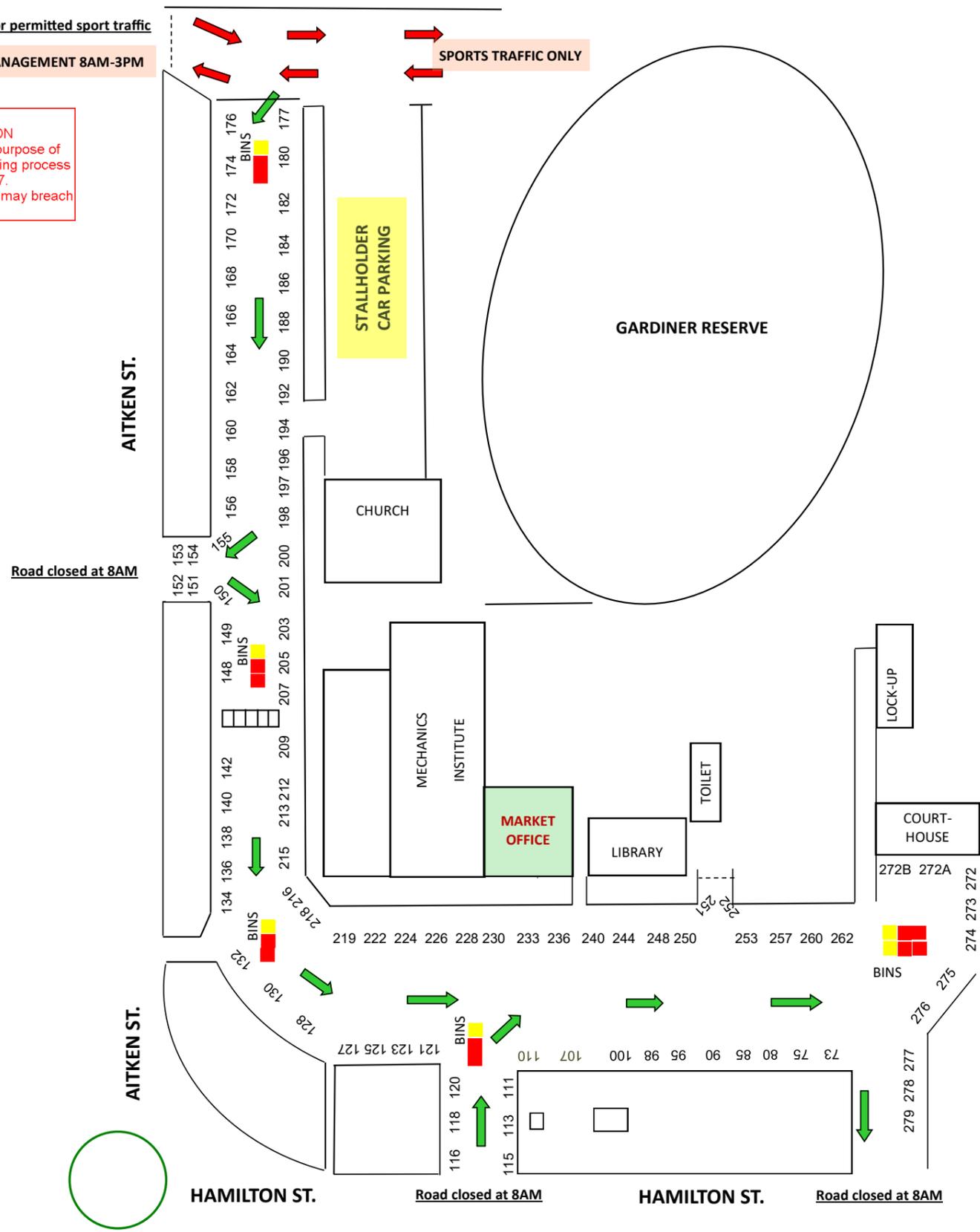
Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.				
		Direct rural residential development to rural-living zoned land as provided for in the Macedon Ranges Council's rural living strategy, In the Rural Living Zone – Strategic Direction (2015).				
		Encourage infill development that respects the townships' character.				
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.				
		Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.				
		Encourage provision of an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services.				
		Encourage the use of voluntary Cultural Heritage Management Plans.				

9.	To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.				N/A	
		Provide timely infrastructure and services to meet community needs in sequence with development.				
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.				
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.				
		Maintain view lines of state-significant landscape features from the main road and rail transport corridors.				
Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Ensure the future operation and development of major transport linkages and rail corridors and upgrading and improved management of freight routes are considered when managing the growth of settlements.				
		Ensure equitable access to community infrastructure.				
		Encourage the use of active and public transport by planning infrastructure and facilities in accessible locations, and improve walking and cycling routes.				
10.	Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.		✓			
		Support community and government planning for disaster preparedness and climate resilience.				

		Manage bushfire risks while also retaining valued biodiversity and landscape character.				
		Plan for more renewable energy generation and distribution.				
		Ensure proposals to establish renewable energy facilities adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.				
		Ensure planning for future use and development of land prone to flooding minimises the consequences of inundation.				

MACEDON RANGES SHIRE COUNCIL
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Advertised



NB ONLY EVERY SECOND OR THIRD SITE NUMBER IS SHOWN

GREEN ARROWS IN MARKET AREA ARE ONLY APPLICABLE AT SETUP AND PACK-UP TIMES

NOT TO SCALE

**GISBORNE OLDE
 TIME MARKET
 PLAN**

V. 5.8, 20/4/2023

www.invarion.com

MACEDON RANGES SHIRE COUNCIL

COMMUNITY PARTICIPATION

PLANNING PROCESS

UNDER THE PLANNING AND ENVIRONMENT ACT 1987.

REVISION 2



West Traffic
Traffic Management Services
westtraffic.com.au
03 8652 5420

Date: 20/01/2022 **Author:** Tim Roberts **TGS ID:** 01030
Client: Gisborne Olde Time Market **Melway:** 378 C3

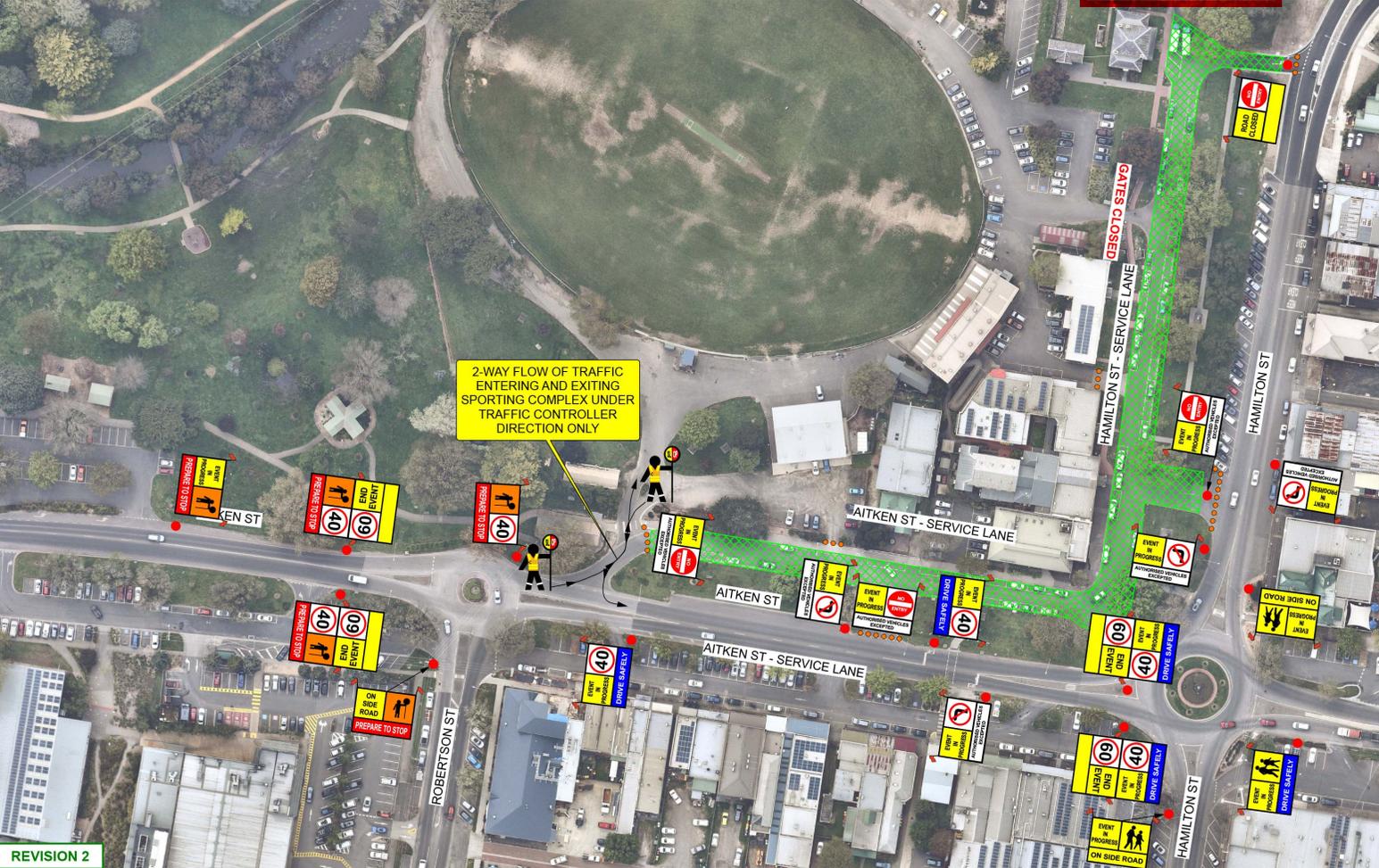
Comments:
Traffic Management for Monthly Gisborne Olde Time Market which takes place in the Aitken St Service Lane between Robertson Street and Hamilton Street.

PLAN MUST BE IMPLEMENTED BY A VICROADS ACCREDITED TRAFFIC MANAGEMENT PROVIDER

Advised

BEST PRINTED IN A3 FORMAT

2-WAY FLOW OF TRAFFIC ENTERING AND EXITING SPORTING COMPLEX UNDER TRAFFIC CONTROLLER DIRECTION ONLY



Item 9.2 - Attachment 3

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9.3	PLN/2022/417 - 41 HAMILTON STREET GISBORNE
Application Details:	Partial Demolition, Use and Development of the Land for Childcare Centre and Reduction of nine (9) Car Parking spaces
Officer:	Robert Wallis, Senior Statutory Planning Officer
Council Plan relationship:	3. Improve the built environment
Attachments:	<ol style="list-style-type: none"> 1. Statement of Planning Policy Assessment ↓ 2. Conditions ↓ 3. Waste Management Plan ↓ 4. Traffic Impact Assessment (under separate cover) 5. Acoustic Report ↓ 6. Plans ↓
Triggers for a planning permit	Clause 34.01 – Use and Development of the land for a Childcare Centre; Clause 43.01 – Demolition of a building and to construct a building or carry out works; Clause 52.06 – Reduction of Car Parking Spaces;
Zones and Overlays	Commercial Zone – Schedule 1 (C1Z); Heritage Overlay – Schedule 287 (HO287); Development Contributions Plan Overlay – Schedule 2 (DCPO2);
No. of objectors	Ten (10) Objections
Trigger for report to the Committee	Councillor Call-in
Key Considerations	Amenity impacts on the adjoining residential area, appropriateness of such uses within commercial zone, heritage significance, reduction of car parking in the area and traffic impacts.
Conclusion	Committee Resolve to Support the Application.
Date of receipt of application:	17 October 2022

Summary

Planning Permit Application PLN/2022/417 is subject to a Section 79 Appeal at VCAT, seeking a tribunal determination with respect to Council’s Failure to Determine an Application within the prescribed time.

The application is for the use and development of the land for a Childcare Centre, partial demolition of the existing heritage building, and reduction of car parking.

The application was advertised and ten (10) objections have been received in response to the proposal.

Key issues to be considered relates to the appropriateness of the proposal and its interface with nearby residential areas, amenity and traffic impacts, heritage significance and whether or not a reduction of car parking is an appropriate outcome.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered to meet all the relevant provisions and objectives of the Scheme. Accordingly, it is recommended that Committee determine that had it decided the application, it would have issued a Notice of Decision to Grant a Permit subject to conditions.

Recommendation

That the Committee determine that had it decided on the application it would have supported the issuing of the Notice of Decision to Grant a Permit PLN/2022/417 for Partial Demolition, Use and Development of the Land for Childcare Centre and Reduction of nine (9) Car Parking spaces at 41 Hamilton Street, Gisborne subject to the conditions outlined in Attachment 1.

Existing conditions and relevant history

Subject land

The subject site is located on the south-western corner of the intersection between Hamilton and Prince Streets, in the main commercial area of the Gisborne Township. The site is developed by an existing single-storey heritage building, currently clad in pink paint and used as a temporary Ambulance Station. There is an existing outbuilding associated with the main building on the site located along the southern boundary of the site. The site is serviced by two vehicle crossovers, onto both Prince Street and Hamilton Street. There are some mature canopy trees located along the southern boundary of the site, and some hedging and small canopy trees populate the western and northern boundaries. A number of established street trees are located within the road reserve abutting the site.

Surrounds

Land to the north and east is an established commercial precinct, forming the main commercial centre of the Gisborne Township. Land to the south and west of the subject site consists of established residential properties within the General Residential Zone. Two primary schools are located approximately 200m south-east of the subject site – consisting of the Gisborne Primary School and the St Brigid’s Catholic Primary School. A large car park area is located to the north-east which services the Gisborne Shopping Mall and provides car parking facilities for the majority of the Gisborne commercial area. The nearby streetscape is populated with established canopy trees, and residential dwellings have a mixed response in terms of landscaping outcomes.

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

There are no restrictive covenants or Section 173 Agreements attached to the title of the subject site.

Previous planning permit history

A search of Council’s records has found the following permit history:

Permit No.	Description
PLN/2022/130	Use of the land for an Emergency Services Facility (temporary ambulance station)

Proposal

The proposal seeks approval for the partial demolition of the existing building, use and development of the land for a Child Care Centre and a reduction of car parking (9 (nine) spaces).

The proposed childcare centre seeks to accommodate 98 children. The development largely constitutes an extension to the existing heritage building, with works contained to the western and southern sections of the site.

Twelve (12) car parking spaces are proposed to be provided on-site, including one disabled car space. Ten of the spaces are provided in a tandem arrangement. Two on-street car parking spaces are also proposed to be provided, resulting in a de facto provision of fourteen (14) car parking spaces.



The proposal also includes four bike parking spaces. Outdoor play areas will be provided to the north and south of the existing building, with play areas to be enclosed by 1.8m high transparent fencing and 1.8m high solid acoustic fencing along the southern and northern boundaries respectively. The proposed development has the following characteristics:

- A setback of 8.95m from the northern boundary, 6.795m from the southern boundary, 1m from the western boundary and 10.54m from the eastern boundary.
- An extension to the existing building comprising a total area of 452.8m² – resulting in a site coverage of 40%.
- A maximum height to be 6.26m.
- The building to be clad in timber fascia, in white colouring.
- Design to be consistent with the existing heritage building with pitched roof form and weatherboard exterior walls.
- Existing external walls of the heritage building to be re-painted.
- Roofing material to be consistent with the existing roofing to be retained.
- Minor demolition works comprising internal walls, an external garage and some of the existing roof area is proposed.



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. Attachment 1 contains the officer assessment against the SOPP.

Planning Policy Framework

Clause no.	Clause name
02	Municipal Planning Strategy
11.03	Planning for Places
11.03-3L	Peri-urban area - Gisborne (including New Gisborne)
13.05	Noise
13.07	Amenity, Human Health and Safety
15.01	Built Environment
15.01-1L	Urban design – Macedon Ranges
15.03-1S	Heritage Conservation
17.01	Employment
17.01-1L	Diversified economy – Macedon Ranges

Zoning

Clause no.	Clause name
34.01	Commercial Zone – Schedule 1 (C1Z)

Overlay

Clause no.	Clause name
43.01	Heritage Overlay – Schedule 287 (HO287)
45.06	Development Contributions Plan Overlay – Schedule 2 (DCPO2)

Particular provisions

Clause no.	Clause name
51.07	Macedon Ranges Statement of Planning Policy
52.06	Car Parking
52.34	Bicycle Facilities

General provisions

Clause no.	Clause name
65.01	Approval of an Application or Plan

Cultural Heritage Management Plan assessment

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined	No

	Assessment criteria	Assessment response
	within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	
2	Does the application proposal include significant ground disturbance as defined in Part 1 Regulation 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	N/A
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 of <i>Aboriginal Heritage Regulations 2018</i> ?	N/A
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	N/A

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

Authority (Section 55)	Response
Department of Transport and Planning (DTP)	No response; DTP have not provided a referral response to date, however this is not preventative for Council in its determination of a position with respect to the proposed use and development of the land.
Authority (Section 52)	Response
MRSC Open Space	No objection subject to conditions.
MRSC Heritage	No objection subject to conditions.
MRSC Engineering	No objection subject to conditions.

Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by sending notices to the owners and occupiers of surrounding/adjointing land and by requiring a notice to be erected on each frontage of the site for a period of 14 days.

In response to the notification of the proposal, ten (10) objections were received from nearby properties. The following table provides a summary of the concerns with the proposed development, and includes an Officer response to the concerns raised:

Concern with Proposal	Response to Concern
The proposal will result in detrimental noise impacts on adjoining residential properties;	The proposal is considered to have adequately addressed detrimental noise impacts. Some noise will be heard during the operation of the site, but it is not considered to be unreasonable as per the current zoning of the land.

<p>The proposal results in an unreasonable increase in traffic and vehicle congestion;</p>	<p>The proposal is expected to experience staggered vehicle visits to the site, and it is unlikely that the site will contribute to unreasonable vehicle congestion during the normal operation of the site.</p>
<p>The safety of pedestrians is negatively impacted by the proposal;</p>	<p>The proposed development is not considered to unreasonably impact the safety of pedestrians in the public realm.</p>
<p>The need for childcare is already captured by other proposed development;</p>	<p>A conglomeration of similar applications is not a reasonable justification for the proposal to be refused as the application has to be assessed on its own merits.</p>
<p>The proposed development is not adequately sympathetic to the Heritage Overlay and is not acceptable from a Heritage perspective.</p>	<p>The application has been reviewed by Council’s Heritage Advisor and is considered to constitute an appropriate development response from a Heritage perspective subject to the inclusion of permit conditions.</p>
<p>The submitted technical reports are not sufficient and does not adequately address noise impacts from the proposal;</p>	<p>The submitted technical reports are considered adequate to assist in the reasonable management of amenity impacts in relation to the operations on site.</p>
<p>The proposal lacks the inclusion of Environmentally Sustainable Design measures;</p>	<p>Stormwater management will be addressed as part of a permit approval.</p>
<p>The plans do not include clear fencing or setback details;</p>	<p>The development plans do include clear details of what fencing is proposed to be constructed and permit conditions can be required to clarify setbacks of the existing building;</p>
<p>There is no adequate consideration in relation to emergency management and evacuation;</p>	<p>The operation of the child care centre will be required to comply with emergency management principles that are relevant to child care centres and this does not need to be regulated as part of a development approval.</p>
<p>Play areas will be visible from the street and from adjoining properties;</p>	<p>Play areas are not required to be completely obscured from the public realm, it is best practice to offer some transparency into the subject site from the public realm.</p>
<p>Details of the purpose of the restored barn building are unclear;</p>	<p>The application does not detail how the barn is to be used in a manner separately from the childcare centre.</p>
<p>Documentation in conjunction with the development should be provided up front and not addressed by way of permit conditions;</p>	<p>It is reasonable to require documents to be prepared after the granting of a permit, so long as Council is satisfied that the proposal is adequately compliant with the provisions of the Planning Scheme;</p>

<p>The removal of existing mature vegetation on the land should not be supported;</p>	<p>The loss of mature vegetation is unfortunate, but there are no tree controls that apply to the subject land that would require removal to undergo a planning application process.</p>
<p>The proposal should seek to reduce the amount of children sought to be cared for as part of the use of the land;</p>	<p>The proposal is considered to be appropriate with respect to the provisions of the Macedon Ranges Planning Scheme based on the current proposed number of children. A reduction in numbers of children is not required to achieve an appropriate outcome.</p>
<p>The proposal will result in an increased flooding risk;</p>	<p>The subject site is not in a flood overlay and additional development on this site will not exacerbate flooding in Jacksons Creek</p>

Officer assessment

Planning for Places policy seeks “to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.”

Relevant Strategies to achieve this objective are:

- *Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:*
 - *Comprises a range of centres that differ in size and function.*
 - *Is a focus for business, shopping, working, leisure and community facilities.*
 - *Provides different types of housing, including forms of higher density housing.*
 - *Is connected by transport.*
 - *Maximises choices in services, employment and social interaction.*
- *Give clear direction on preferred locations for investment.*
- *Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.*
- *Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.*
- *Encourage economic activity and business synergies.*
- *Improve the social, economic and environmental performance and amenity of activity centres.*

The objective of Clause 13.05-1S is “to assist the management of noise effects on sensitive land uses.” In order to achieve this objective development must strive to ensure that community amenity and human health is not adversely impacted by noise emissions, and to ensure that impacts to occupants of sensitive land uses (including Childcare Centres) are minimised through site layout, urban design and land use separation techniques as appropriate.

The objective of Clause 13.07-1S is “to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.”

Relevant strategies to achieve this objective include:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

The objective of Clause 15.01-1S is “to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.”

Relevant Strategies to achieve this objective include:

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Promote good urban design along and abutting transport corridors.*

Similarly Clause 15.01-1L has following relevant strategies:

- *Ensure that development in townships respond to key features of existing streetscapes including building materials, colours, height, setbacks, bulk, articulation, significant vegetation, site coverage and density.*
- *Facilitate development that contributes to improvements to the function, design and presentation of town centres and entrances.*
- *Provide active frontages in commercial centres.*
- *Design development to provide for passive surveillance of public spaces.*

- *Retain mature vegetation and incorporate landscaping that integrates with the landscape character of the area and increases tree canopy coverage across townships.*
- *Encourage the use of landscaping in development including native vegetation.*

The objective of Clause 15.01-2S is “to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.”

Relevant strategies to achieve this objective include:

- *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.*
- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Improve the energy performance of buildings through siting and design measures that encourage:*
 - *Passive design responses that minimise the need for heating, cooling and lighting.*
 - *On-site renewable energy generation and storage technology.*
 - *Use of low embodied energy materials.*
- *Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.*
- *Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.*
- *Encourage water efficiency and the use of rainwater, stormwater and recycled water.*
- *Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- *Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.*

The objective of Clause 15.01-5S is “to recognise, support and protect neighbourhood character, cultural identity, and sense of place.”

Relevant strategies to achieve this objective include:

- *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*

- *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*
 - *Pattern of local urban structure and subdivision.*
 - *Underlying natural landscape character and significant vegetation.*
 - *Neighbourhood character values and built form that reflect community identity.*

Clause 15.01-5L has following objective for Gisborne:

- *To maintain and improve key urban and landscape elements, and heritage assets that contribute to the established semi-rural township and village character of Gisborne and New Gisborne.*

The objective of Clause 15.03-1S is “to ensure the conservation of places of heritage significance.”

Relevant strategies to achieve this objective include:

- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- *Encourage appropriate development that respects places with identified heritage values.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements of a heritage place.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- *Support adaptive reuse of heritage buildings where their use has become redundant.*

The objective of Clause 17.01-1S is “to strengthen and diversify the economy”. Relevant strategies to achieve this objective include:

- *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- *Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.*
- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- *Improve access to jobs closer to where people live.*

Clause 17.01-1R and Clause 17.01-1L contains the following strategies that work in conjunction with the objective of Clause 17.01-1S:

- *Support the ongoing role and contribution of the region’s small towns, settlements and non-urban areas through investment and diversification of their economies.*
- *Support and develop emerging and potential growth sectors such as tourism, renewable energy, resource recovery and other green industries.*
- *Provide sufficient commercial and industrial land to enable an increase in job containment in the shire and to facilitate economic development.*

Clause 34.01 - Commercial 1 Zone (C1Z):

The purpose of Clause 34.01 of the Planning Scheme is “*To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*” In addition to the purpose of the C1Z, Clause 34.01-2 dictates that a use of land that requires permission “*must not detrimentally affect the amenity of the neighbourhood through the appearance of any building*”.

Clause 43.01 – Heritage Overlay – Schedule 287 (HO287):

The purpose of Clause 43.01 is “*To conserve and enhance heritage places of natural or cultural significance, to conserve and enhance those elements which contribute to the significance of heritage places and to ensure that development does not adversely affect the significance of heritage places.*”

In addition to the generic decision guidelines for the Heritage Overlay, the Statement of Significance for the subject site contained within Schedule 287 to the Heritage Overlay includes additional specificity with regards to the contributory elements of the existing building. The following matters are considered to be relevant for the significance of the site from a heritage perspective:

- *The existing timber building is an example of early timber dwellings in the Gisborne area.*
- *The building is locally significant architecturally and historically to the Macedon Ranges Shire.*
- *The building is an externally intact expression of the Queen Anne style of building – which is further enhanced by the raised corner location.*
- *The construction of the weatherboard barn to the rear of the site is also significant, with similar construction stylings to the original house.*
- *Historically, the building is linked to the transition of a gold-based economy to a more broadly-based economic climate as Australia moved towards federation at the turn of the 20th century.*

Clause 45.06 – Development Contributions Plan Overlay – Schedule 2 (DCPO2):

The purpose of Clause 45.06 of the Macedon Ranges Planning Scheme is “*to identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provisions of works, services and facilities before development can commence*”.

The provisions of the Development Contributions Plan Overlay – Schedule 2 apply to the construction of commercial development, with contributions calculated on a gross floor area basis. The subject site is located within Charge Area 7 and will be required to pay a development contribution as part of the requirements of any Planning Permit to be granted.

Clause 52.06 – Car Parking:

Clause 52.06 contains a number of purposes which should be considered as being relevant to the proposal:

- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*

The use of the land for a Childcare Centre requires the provision of car parking at the following statutory rate:

Use	Car Parking Rate	Car Parking Measure
Childcare Centre	0.22 Car Spaces	To each child

Noting the above requirement, the proposed attendance of the site comprising ninety-eight (98) children, with an overall statutory car parking demand of 21.56 Car Parking Spaces (rounded down to 21 spaces total).

Clause 52.34 – Bicycle Facilities:

The purpose of Clause 52.34 is “*To encourage cycling as a mode of transport, and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*”

A new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. There is no statutory rate for the provision of bicycle parking for a Childcare Centre (noting a childcare centre is specifically excluded from inclusion in Clause 52.34), however the inclusion of four (4) bike parking facilities is considered to be a positive contribution to the proposal that will accommodate alternative methods of transportation to and from the subject site.

Assessment

Planning Policy identifies the rapid population growth of the Gisborne Township as being of importance to the strategic vision and policy framework for the Shire, and in conjunction with a growing population there will be increased demand placed upon community services and infrastructure, including the need for additional child care facilities in a local context to adequately service the community.

Fundamentally, the use and development of the subject land for a childcare centre is considered to be an outcome that aligns with the purpose of the Commercial 1 Zone and is ratified by the objectives of the Planning Policy Framework. Being located along a residential interface and located in close proximity to existing schools in the town, the subject site is an optimal choice for a childcare operation.

Noting the transition of the land from a commercial precinct (the subject site) to a residential zone (to the south), the adherence to ‘traditional’ business hours and no present need to operate into the evenings or on weekends will ensure that residential amenity during nights and on weekends is maintained within typical residential expectations.

Typical daytime hours of operation will not unreasonably impact adjoining residential properties, noting firstly that nearby schools will already be generating noise from their operation that will be generally in-line with the expected noise emanating from the site, and secondly noting that an acoustic report has been prepared that recommends the installation

of acoustic fencing to appropriately ameliorate unreasonable amenity impacts on adjoining residential properties.

In addition to the prevailing context of the site, residential properties to the south are located at the edge of the residential zone and transition into the central commercial area of the Gisborne Township. Noting this transitional space, it is reasonable to expect that there will be some overlap between commercial areas and their associated needs, and the needs of the abutting residential properties. Contrary to areas located further away from the centre, the abutting properties to the south should not expect to have the same level of amenity.

It is unlikely that the subject site will result in detrimental levels of traffic congestion during its regular operation, with the dropping off and picking up of children likely to occur in a staggered manner, as parents and guardians with a variety of their own individual needs attend the site at various times. People are also unlikely to remain at the site for long periods of time, with pick-up and drop-off generally comprising of short visits.

As a single-storey building the proposed childcare centre will not create any unreasonable overlooking or overshadowing impacts on adjoining residential properties. The proposal will adequately respond to the existing built form context of the area and is designed to be sympathetic to the existing neighbourhood character elements. Whilst the design response is heavily driven by the need to comply with the purpose of the Heritage Overlay, the implementation of pitched roofing, weatherboard walls and opportunity for boundary planting is consistent with the objectives of applicable Planning Policy Frameworks and the purpose of the Commercial Zone.

The site layout also retains the visual prominence of the subject site on the corner of Hamilton and Prince Streets, with transparent fencing along these interfaces allowing visual permeability into the site and to the heritage elements of the existing building.

Waste storage areas do not hold a direct streetscape interface and are separated from both neighbouring residential properties and play areas within the site. Waste will be collected via private contractors as per the submitted Waste Management Plan. Collection will occur outside of business hours so as to not restrict the function of the proposed car parking areas within the site.

The proposed use demonstrates an adequate integration and transition from the central commercial areas of the township to the residential area to the south, and includes measures as part of the development proposal to best moderate unreasonable amenity impacts that may arise from the operation of the site.

With respect to the need to integrate with the surrounding uses and the need for appropriate building design that adequately meets the expectations of the existing neighbourhood character, the proposed childcare centre is an acceptable development outcome.

Adequate regard for the Heritage Significance of the Site:

The subject site is occupied by an existing building, identified as being a contributory example of local heritage and afforded protection by the provisions of the Heritage Overlay. As outlined in the policy summary section of this report, the existing building is a notable example of heritage in the Macedon Ranges context for the following reasons:

- *The existing timber building is an example of early timber dwellings in the Gisborne area.*
- *The building is locally significant architecturally and historically to the Macedon Ranges Shire.*
- *The building is an externally intact expression of the Queen Anne style of building – which is further enhanced by the raised corner location.*

- *The construction of the weatherboard barn to the rear of the site is also significant, with similar construction stylings to the original house.*
- *Historically, the building is linked to the transition of a gold-based economy to a more broadly-based economic climate as Australia moved towards federation at the turn of the 20th century.*

The design response seeks to retain the majority of the existing heritage building, removing the non-significant elements of the building and expanding upon the original footprint of the building to construct the proposed centre around the significant elements. The contributory elements of the building will retain a strong visual prominence within the streetscape presentation of the site, with transparent fencing and a recessive design for the new additions allowing the significant components of the building to receive visual priority.

A conservation management plan will be included by way of a permit condition to adequately supervise works throughout construction, and the resultant development outcome will be a revitalised site that integrates newer elements of the building around the existing contributory component.

A referral to Council's Heritage Advisor has been carried out as part of the application process. Council's Advisor has confirmed that they do not raise any objection to the proposed development.

Car Parking:

Council is required to consider the suitability of the proposed reduction of the statutory car parking rate. The proposed use of the land requires the statutory provision of twenty-one (21) car parking spaces based upon the attendance of ninety-eight (98) children to the site. It is proposed to reduce this statutory requirement to provide for the parking of twelve (12) vehicle on-site, with the construction of two (2) additional on-street car spaces along Hamilton Street to be facilitated by the developer as part of the approval.

The Decision Guidelines of Clause 52.06 require the Responsible Authority to consider whether or not the proposed car parking reduction will create detriment as a result of additional vehicle movements.

The expected use of the site throughout the day is likely to comprise of short-term pick-up and drop-off visits, with minimal demand for long-term car parking near the site. Tandem car spaces provided within the site, in addition to some bike parking facilities are likely to satisfy the parking needs of staff.

The installation of two new on-street parking bays along Hamilton Street will serve in conjunction with existing on-street parking abutting the site and the surrounding road network and will assist with the movement of traffic in and around the site. It is expected that the proposed reduction will not unreasonably increase congestion, and the likely trend of vehicles attending the site is expected to be short-term in nature, and generally separate from peak attendance at the nearby schools.

The proposed childcare centre is also intended to service the Gisborne Township at a local level, with the expected catchment comprising a relatively condensed area. Any demand on car parking can also be partly accommodated by the existing car park on the north-eastern corner of the Prince Street and Hamilton Street intersection. The car park is intended to serve vehicles attending the Gisborne Shopping Centre and would enable parents and guardians with multi-purpose trips to engage with both the broader commercial area and with the proposed use of the land.

Given the expected attendance of the site and the timing of when vehicles need to visit, the proposed use can comfortably operate without placing an unreasonable demand on the

wider road network. The network of available street parking will adequately capture the necessary car parking requirements for the subject site and the proposal will not unreasonably impact upon the flow of traffic, or the safety of drivers and pedestrians.

The reduction is consistent with the purpose of Clause 52.06 of the Scheme and adequately demonstrates that there will be no unreasonable detriment as a result.

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.

Conclusion

Overall, the proposal is considered to be an acceptable development response that appropriately meets the expectations of the Macedon Ranges Planning Scheme. The proposal provides an additional community service in a centralised location with convenient access to alternative transport methods. The proposal responds to the significant heritage elements of this site and the proposed reduction of car parking is considered to be a reasonable outcome that will not cause any unreasonable detriment.

Consistency of the proposal with the Statement of Planning Policy:

Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
1	To ensure the declared area's natural and cultural landscapes are conserved and enhanced.				N/A	The subject site and surrounds is not considered to have any declared natural or cultural landscapes.
		Manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced.			N/A	
		Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.			N/A	
		Manage development around significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points.			N/A	
		Manage development and infrastructure provision to ensure sequences of views from key road and rail corridors are maintained for current and future users.			N/A	
2	To ensure the significant biodiversity, ecological and environmental values of the declared area are conserved and enhanced				N/A	The proposal does not result in detrimental impacts to high quality vegetation that is subject to a Planning Application process.
		Conserve and enhance high-value native vegetation and biodiversity and their ecological integrity by undertaking responsible environmental management, planning, procedures and practices.			N/A	
		Utilise appropriate historical ecological knowledge and practices from Traditional custodians of the land in the management of biodiversity and ecological and environmental values.			N/A	
		Encourage ecological restoration works in areas of identified state, regional and locally significant biodiversity value				

Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Establish and improve bio links to connect high-value ecological areas, including areas along waterways and areas within and between towns.			N/A	
		Minimise the effects of weeds and pest animals on biodiversity values by establishing and implementing best practice land management plans.			N/A	
3.	To prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.				N/A	The site is not located within any special water supply catchment area.
		Protect water quality and natural systems by discouraging development that contributes to the degradation of water quality and quantity.			N/A	
		Manage land use and development, including dams, in Declared Water Supply Catchments to retain and improve water quality and improve yield to support regional water needs and to increase system-wide capacity to Respond to demand.			N/A	
		Reinforce the role of waterways as biodiversity Linkages and as corridors for native plants and animals.			N/A	
		Ensure water supply and land use planning policies are integrated, to realise efficiencies in regional catchment management and best practice, water-sensitive urban design.			N/A	
		Address the expected impacts of climate change, including changes in the duration and frequency of rainfall events and changes in the intensity and frequency of bushfire events.			N/A	
		Review and improve regulation and monitoring of groundwater licences and surface water diversions.			N/A	
4.	To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and				N/A	The site is not located within Cultural Heritage Sensitivity area.

Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
	work in partnership with Traditional Owners in caring for Country.					
		With Traditional Owners, identify, protect, conserve and enhance sites, landscapes and views of Aboriginal cultural significance, consistent with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans.			N/A	
		With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning and managing land use and development, water and other environmental resources.			N/A	
5.	To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.		✓			The subject site adequately responds to the contributory elements of the subject site and incorporates appropriately sympathetic heritage design elements.
		Conserve and enhance the character of state and/or nationally significant post-contact cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the declared area's heritage places, precincts and landscapes, including sequences of views along main road and rail routes.	✓			The proposed use and development adequately conserves and enhances the existing contributory elements within the site, and seeks to remove elements of the site that do not have legitimate approvals.
		Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.	✓			The proposed building design is responsive to the contributory elements of the building and the streetscape presentation of the site is retained as a historically significant building. The proposal will reinvigorate the site and ensure contributory elements are properly maintained.
6.	To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.				N/A	The proposal does not include any agricultural components.
		Encourage the use of rural-zoned land for agricultural purposes and encourage the use of high-quality soils for soil-based agriculture.			N/A	
		Encourage and support innovations in agricultural practices (such as sustainable			N/A	

Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		farming, water reuse, technologies to enable farming to adapt and respond to emerging and niche markets).				
		Support agricultural practices that improve soil health and respond to and encourage adaptation to climate change.			N/A	
		Encourage measures to ensure agricultural practices protect and enhance soil quality, water quality, biodiversity and native plants and animals.			N/A	
		Manage the effects of rural land use and development on important environmental and cultural values.			N/A	
		Restrict the supply of rural-living-zoned land to conserve and protect agricultural practices.			N/A	
		Protect strategic extractive resource areas and existing quarry operations from encroachment from inappropriate development.			N/A	
		Proposals to establish an extractive industry must adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	
7.	To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.					The proposal is unlikely to have any substantial impact on the visitor economy of the Macedon Ranges Shire.
		Support and facilitate sustainable and responsible tourism and recreation-related land uses and developments (such as agritourism) in keeping with the declared area's significant landscapes, environmental and cultural values.			N/A	
		Facilitate tourism-related land use and development that encourages people to recognise and understand Aboriginal and post-contact cultural heritage.			N/A	
		Ensure the conservation and enhancement of Declared Water Supply Catchment Areas of regional or state significance in the planning of tourism and recreational land uses.			N/A	
		Protect the unique rural character of towns in the declared area.			N/A	

Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
8.	To plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.		✓			The proposed use and development is contrary to the role of the productive Farming Zone land of the Macedon Ranges, and the facilitation of additional out-of-centre development is contrary to the Regional Growth Plan.
		Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.	✓			It is considered that the proposed use and development is consistent with the strategic vision for the Gisborne Township with respect to population growth and community facilities.
		Direct rural residential development to rural-living-zoned land as provided for in the Macedon Ranges Council's rural living strategy, In the Rural Living Zone – Strategic Direction (2015).			N/A	
		Encourage infill development that respects the townships' character.	✓			The proposed development is appropriately sympathetic to the contributory elements of the subject site and the broader neighbourhood character elements of the Gisborne Township.
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.			N/A	The subject site is located centrally within the Gisborne Township and is well separated from likely natural hazards.
		Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.			N/A	
		Encourage provision of an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services.	✓			The proposed use and development contributes to the employment base of the Gisborne Township, and provides additional child-minding services within the region.
		Encourage the use of voluntary Cultural Heritage Management Plans.			N/A	
9.	To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social		✓			The proposal provides for the upgrading of existing infrastructure by way of development contributions and additional streetscape infrastructure.

Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
	and economic needs of communities and increase resilience to climate change effects.					
		Provide timely infrastructure and services to meet community needs in sequence with development.	✓			The payment of development contributions and the creation of new on-street parking in conjunction with the development will provide timely infrastructure upgrades in-line with community needs.
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.			N/A	
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.	✓			A reduction of car parking for the proposal will prioritise the use of green transport methods to attend the site.
		Maintain view lines of state-significant landscape features from the main road and rail transport corridors.			N/A	
		Ensure the future operation and development of major transport linkages and rail corridors and upgrading and improved management of freight routes are considered when managing the growth of settlements.			N/A	
		Ensure equitable access to community infrastructure.	✓			The location of the proposed childcare centre within the central business area of the Gisborne Township should be prioritised. The site is accessible via private vehicles, foot, bikes and public transport, and is considered to be equitably accessible.
		Encourage the use of active and public transport by planning infrastructure and facilities in accessible locations, and improve walking and cycling routes.			N/A	
10.	Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.				N/A	
		Support community and government planning for disaster preparedness and climate resilience.			N/A	
		Manage bushfire risks while also retaining valued biodiversity and landscape character.			N/A	

Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Plan for more renewable energy generation and distribution.			N/A	
		Ensure proposals to establish renewable energy facilities adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	
		Ensure planning for future use and development of land prone to flooding minimises the consequences of inundation.			N/A	



Attachment 2 - Conditions

Planning Delegated Committee Meeting – 13 September 2023
APPLICATION FOR PLANNING PERMIT PLN/2022/417 – Partial
Demolition, Use and Development of the Land for Childcare Centre
and Reduction of nine (9) Car Parking spaces – 41 HAMILTON
STREET GISBORNE

Amended Plans

1. Prior to the commencement of any development or carrying out of demolition works, whichever occurs first, amended plans 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 then form part of the permit. The plan must be drawn to scale with dimensions and submitted electronically as a PDF. The plan must be generally in accordance with the submitted plans but modified to show:
 - a) Relocation of the vehicular crossover along Prince Street to further north between existing street trees T10 and T11 ensuring no more than a 10% encroachment on both trees;
 - b) A Conservation Management Plan in accordance with this requirements of this permit;
 - c) Extension of the Acoustic fencing along the entirety of the southern boundary of the site;
 - d) Annotation of the minimum setback of the existing building from Hamilton and Prince Streets;
 - e) Location and dimensions of the new pram crossing required by this permit;
 - f) Location of new HVAC systems;
(HVAC systems to be located on the southern and/or western aspect of the building, to have little or no visual or heritage impact)
 - g) Amended demolition plan showing the retention of the existing chimney features;
 - h) Deletion of the annotation on TP06 referencing '*Timber Fretwork to match existing Heritage Design*';
 - i) Amended Landscape Plan in accordance with in accordance with this requirements of this permit.
 - j) Tree Protection Management Plan in accordance with this requirements of this permit.
2. The use and development shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
3. Prior to the commencement of the use (Childcare centre) permitted by this permit, all pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.





4. Prior to the commencement of the use (Childcare Centre) permitted by this permit, the development must be provided with external lighting capable of illuminating the access, carpark and building entry. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.
5. Before the development commences, an amended landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The revised landscape plan must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application (*prepared by Human Habitats, job no. 12995, revision A, dated 8 March 2023*) but modified to show:
 - a) Any modifications to the plans required by this permit as relevant;
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - c) At least four (4) new canopy trees around the carpark area and six (6) canopy trees in the outdoor play spaces with appropriate planting areas;
 - d) Provision of screen planting along the western and southern boundaries (where practical) of a suitable height to provide soften the development in terms of views from neighbouring properties;
 - e) Planting along the driveway shaft of a variety of species and heights;
 - f) The use of drought tolerant species; and
 - g) Appropriate irrigation systems connected to the rainwater tanks.
6. Unless with the prior written consent of the Responsible Authority, before the commencement of the use (Childcare centre) permitted by this permit, the landscaping and all new boundary fencing (including acoustic fencing) must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.
7. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), a vegetation protection fence must be erected around all vegetation to be retained. The temporary vegetation fencing must be erected to the satisfaction of the Responsible Authority. This fence must be erected at:
 - a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b) Around the patch/es of vegetation at a minimum distance of 2 metres from retained native vegetation.
 - c) The tree protective fencing must be constructed of start pickets and paraweb or similar. The protection fence must remain in place until all works are completed and must be erected around areas to be retained to protect surrounding vegetation. The tree protection fencing must form a visual and physical barrier and include signage clearly marked "Vegetation Protection Zone – No Entry" on all sides. Any trees, vegetation or waterways near the development site and/or construction areas must be included in the tree protection zone.





8. Unless with the prior written consent of the Responsible Authority, the following actions must not be undertaken in any Tree Protection Zone, to the satisfaction of the Responsible Authority:
 - a) Materials or equipment storage
 - b) Attachment of any materials to trees (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)
 - d) Changes to the soil grade level
9. The development and use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through:
 - a) The transport of materials, good or commodities to or from the land;
 - b) The 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) The presence of vermin.
 - e) Any other way as determined by the Responsible Authority.
10. Noise levels emanating from the premises shall comply with EPA Publication 1826 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues at all times.
11. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.
12. Unless with the prior written consent from the Responsible Authority, the number of children present on the property at any one time must not exceed ninety-eight (98), to the satisfaction of the Responsible Authority.
13. Unless with the prior written consent from the Responsible Authority, the use hereby permitted may only operate between the hours of 6am to 7pm (Monday to Friday).
14. Unless with the prior written consent of the Responsible Authority, prior to 7am the operation of the approved use (Childcare Centre) must only be conducted within the approved building with the exception of motor vehicles arriving and leaving the site to the satisfaction of the Responsible Authority.
15. Waste collection is to occur via a private contractor between 7pm and 8pm on weekdays only and must be in accordance with the endorsed Waste Management Plan prepared by One Mile Grid, reference 220280WMP001A-F dated 17 March 2023 to the satisfaction of the Responsible Authority.
16. Prior to commencement of any works, the permit holder must pay to Responsible Authority a development contribution in accordance with the Gisborne Development Contribution Plan incorporated in the Macedon Ranges Planning Scheme. The amount payable is calculated from a base figure from Development Contributions Plan Overlay Schedule 2 (Area 7, total charge generated per 100m² Gross Floor Area, adjusted on 1 July each year in accordance with Schedule 2 of Clause 45.06 of the Macedon Ranges Planning Scheme.





17. Before the development (including demolition) commences, a conservation management plan for the heritage building to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the conservation management plan will be endorsed and will then form part of the permit. The conservation management plan must include:

- a) A Detailed summary of how demolition works are to be carried out;
- b) Window and door repairs/restoration.
- c) External joinery restoration.
- d) Stripping of painted brickwork
- e) Fence design.

Works to the heritage building must be undertaken in accordance with the conservation management plan to the satisfaction of the Responsible Authority.

18. Prior to the commencement of the use, new on-street car parking spaces and the new pram crossing to be constructed and must be paid for in full by the owner of the land and completed to the satisfaction of the Responsible Authority.

19. The existing outbuilding must only be used in conjunction with the normal operation of the approved Childcare Centre use and must not be used for a separate purpose to the satisfaction of the Responsible Authority.

MRSC Engineering Conditions

20. 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.

21. 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.





22. Prior to 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:
- 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.
 - Stormwater runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.
 - 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.
 - Post development flows are restricted to pre-development level.
 - 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, payment of the stormwater quality offset contribution to the Responsible Authority.
23. Prior to the commencement of use, the following works must be constructed or carried out to the satisfaction of the Responsible Authority:
- New sealed crossovers in the Prince Street frontage of the site. Crossovers are to be a minimum of 1.0m from any power pole, sign, or service pit and an absolute minimum of 3.0m from any street tree.
24. Prior to the commencement of use, the areas set aside for the parking of vehicles and access driveways as shown on the endorsed plans must be:
- Constructed in concrete or asphalt to the satisfaction of the Responsible Authority.
 - Properly formed to such levels that they can be used in accordance with the plans.
 - Drained and maintained.
 - Marked to indicate each car space and all access lanes, with tandem staff car parking clearly marked as being for the purposes of staff only.
 - 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.
25. No polluted and/or sediment-laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the works to the satisfaction of the Responsible Authority.
26. Prior to the commencement of use, all redundant crossovers must be removed to the satisfaction of the Responsible Authority.

MRSC Open Space Condition

27. Prior to the commencement of any site works, including demolition, an updated Tree Protection Management Plan (TPMP) must be submitted to and approved by the Responsible Authority. The updated TPMP must be prepared in accordance with AS 4970-2009 Protection of Trees on Development Sites and as per Council's Tree Management Policy and Plan, 2022 and by a suitably qualified arborist (minimum AQF Level 5 with a minimum of five years demonstrated tree assessment experience) to the satisfaction of





the Responsible Authority. When approved, the updated TPMP will be endorsed and will form part of this permit. The TPMP is to be generally in accordance with that prepared by High Country Arborist Reports, February 27, 2023 but updated to include:

- a) A clear photograph of each Street Tree to be retained and protected;
- b) The general condition and overview of each tree (e.g. Species, Health, Structure, Useful Life Expectancy (ULE), Height, Width (north-south & east-west) Diameter at Breast Height (DBH));
- c) Details of any existing damage/faults evident within the trees prior to the commencement of any demolition or works;
- d) An assessment of any potential impact to the trees, including diagrams showing the accurate extent of any encroachment and pruning required;
- e) Any modified design details required to minimise encroachment/impact to existing trees to be protected including paving, retaining, or drainage works;
- f) Construction and/or ground protection details for any part of construction within the TPZ of the trees that encroaches into the TPZ per AS 4970;
- g) A statement that any street tree canopy pruning shall only be undertaken by a suitably qualified and experienced Arborist and in accordance with AS 4373 2007, Pruning Amenity Trees;
- h) Details and plan of the type and extent of Tree Protection Fencing including a clear notation fencing must be installed prior to any works commencing (including any demolition works);
- i) Tree Protection Fencing must be sighted and approved prior to any works commencing by a Macedon Ranges Shire Council Open Space Officer;
- j) A supervision timetable with an Arborist Inspection compliance check list to be signed and dated by the developer's Project Arborist and project manager/foreman. Inspections must be scheduled at all phases during demolition and construction to ensure the retention and ongoing protection of the trees and are to be undertaken before, during and at the completion of the works.

Permit Expiry Condition

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

- a) The development does not start within two (2) years of the date of issue of this permit.
- b) The development is not completed within four (4) years of the date of issue of this permit.
- c) The use is not commenced within two (2) years of the date of the completion of works;

Before the permit expires, or within six (6) months afterwards, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date. If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

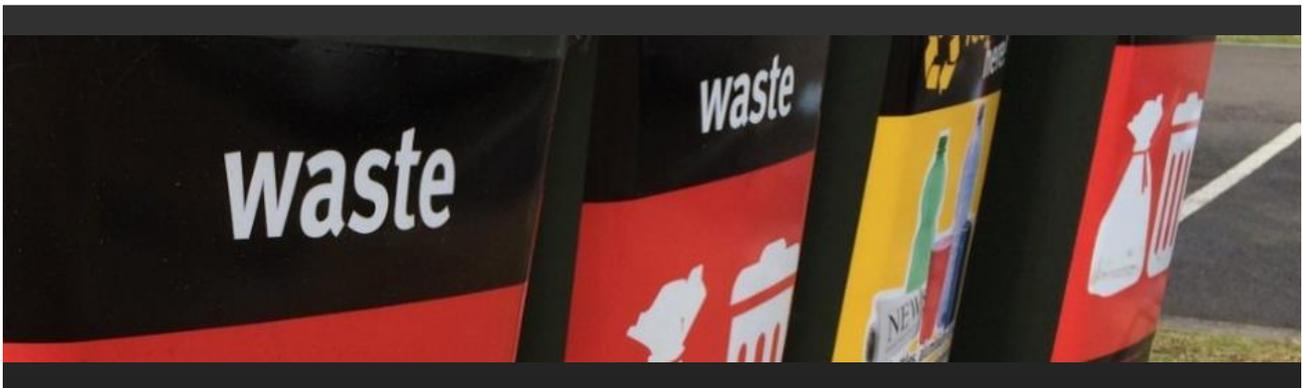


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41 Hamilton Street, Gisborne

Waste Management Plan



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17 March 2023

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onemilegrid operates from Wurundjeri Woiworung Country of the Kulin nation. We acknowledge and extend our appreciation to the Wurundjeri People, the Traditional Owners of the land. We pay our respects to leaders and Elders past, present and emerging for they hold the memories, the traditions, the culture, and the hopes of all Wurundjeri Peoples.

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APPENDICES

APPENDIX A SWEEP PATH DIAGRAM

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1 INTRODUCTION

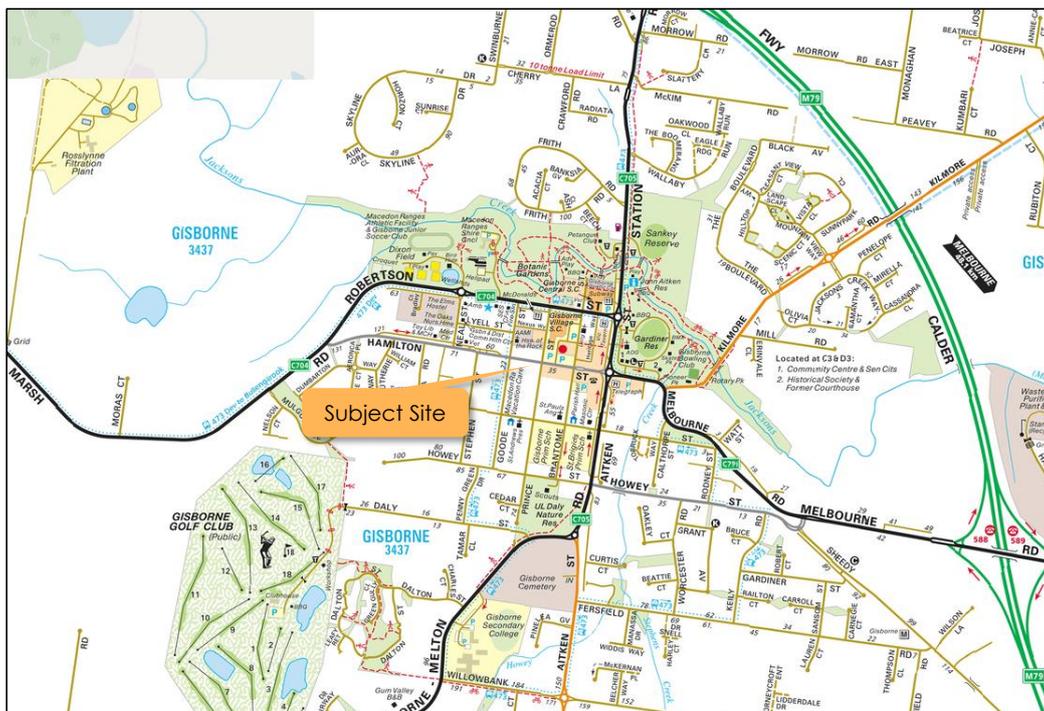
onemilegrid has been requested by Bill Jacobs Pty Ltd to prepare a Waste Management Plan for the proposed child care centre at 41 Hamilton Street, Gisborne.

The preparation of this management plan has been undertaken with due consideration of the Sustainability Victoria Better Practice Guide for Waste Management and Recycling in Multi-unit Developments and relevant Council documentation.

2 EXISTING SITE CONDITIONS

The subject site is located at 41 Hamilton Street, Gisborne, as shown in Figure 1. The site has a frontage of approximately 50 metres to Hamilton Street, and 40 metres to Prince Street.

Figure 1 Site Location



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3 DEVELOPMENT PROPOSAL

3.1 General

It is proposed to develop the subject site for the purposes of a child care centre accommodating up to 98 children on-site. Based on information provided by the operator, it is understood that a maximum of 22 staff will be on-site at any time, occurring during the middle of the day.

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A total of 12 car spaces, including one accessible space, are proposed in an on-grade car park. Vehicle access to the site is proposed via a two-way crossover to Prince Street. The existing redundant crossovers will be removed.

Pedestrian access to the site will be provided via Prince Street, with a footpath to be constructed along the Prince Street frontage of the site.

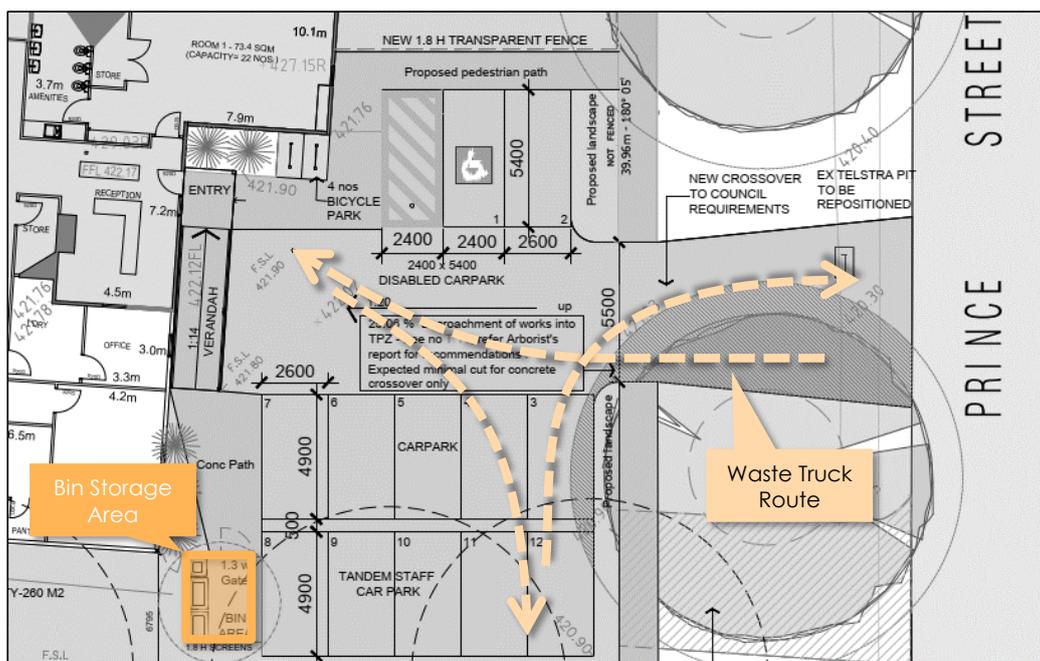
3.2 Waste Management

It is proposed to utilise a private contractor to manage the collection and disposal of all waste streams associated with the development.

A bin storage enclosure is proposed on-site west of the car park. On collection days, the waste collection vehicle will enter the car park in a forward direction and prop within the car park. The waste contractor will collect the bins directly from the bin storage enclosure, and return them immediately after collection. The waste truck will then exit the site in a forward direction. Waste collection will occur outside of business hours to ensure the car park is empty.

The collection location and expected transfer route is shown in Figure 2.

Figure 2 Bin Storage Room and Collection Details



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4 WASTE GENERATION

4.1 Garbage and Recycling

Waste collection information has been previously provided to **onemilegrid** in relation to the existing bin provision and collection frequencies of four separate childcare centres across Melbourne, as summarised in Table 1.

Table 1 Bin Provision and Collection Frequencies – Childcare Centre

Location	Number of Children	Garbage	Recycling
Little Dreamers (1548 Heatherton Road, Dandenong)	50	Bin Provision: 1x 660L Collection: 1x Weekly	Bin Provision: 1x 660L Collection: 1x Monthly
Rosewood Downs (1 Murray Road, Dandenong North)	70	Bin Provision: 4x 120L Collection: 1x Weekly	Bin Provision: 2x 240L Collection: 1x Fortnightly
Little Owls (6 Stella Street, Beaconsfield)	30	Bin Provision: 3x 80L Collection: 1x Weekly	Bin Provision: 3x 120L Collection: 1x Fortnightly
Clever Kids (432 Warrigal Road, Ashburton)	45	Bin Provision: 1x 660L Collection: 1x Weekly	Bin Provision: 2x 240L Collection: 1x Fortnightly

Based on the bin provision and collection frequencies of the various childcare centres above, a typical waste generation rate of no more than 15 litres of garbage, and 6 litres of recycling is expected per child per week, with the maximum total waste generation for the proposed child care centre as shown below.

Table 2 Expected Waste Generation – Child Care Centre

Component – Stream	Number of Children	Rate/Child/Week	Total Waste/Week
Garbage	98	15 litres	1,470 litres
Recycling	98	6 litres	588 litres

4.2 Green Waste

It is expected that any maintenance and gardening undertaken will be managed by a contractor appointed by the operator. The appointed contractor will be responsible for the disposal of any green waste accumulated during the course of their duties.

4.3 Hard Waste

It is anticipated that hard waste generation will be minimal considering the proposed child care centre use. Regardless, hard waste services will be provided by the private contractor on an as-needs basis.

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4.3.1 Electronic Waste (E-Waste)

E-waste includes all manner of electronic waste, such as televisions, computers, cameras, phones, household electronic equipment, batteries and light bulbs. E-waste contains valuable materials that can be recovered and reused such as tin, nickel, zinc, aluminium, copper, silver and gold.

On 1st July 2019, the disposal of E-waste to landfill was banned by the Victorian Government.

A large number of e-waste collection points are available in Victoria and private contractors are equipped with the resources to undertake E-waste collections.

All E-waste generated by the proposed child care centre will be managed by a private contractor appointed by the operator. This is likely to be the same contractor providing general waste and recycling collection, though using a separate collection vehicle.

4.3.2 Sanitary Waste

Sanitary waste bins for nappy disposal are to be provided with the children's toilets for the younger age groups. Sanitary waste bins will be exchanged for a clean bin as required by a private sanitary waste contractor.

5 BIN REQUIREMENTS

5.1 Bin Provisions

It is proposed to utilise a private waste contractor for all waste services associated with the proposed development.

Consequently, the following bins will be required for the proposed development.

Table 3 Bin Provision

Component – Stream	Total Waste/Week	Bin Size	Collection Frequency	Bins Required
Garbage*	1,470 litres	360 litres	Weekly	1 bin
		1,100 litres		1 bin
Recycling	588 litres	660 litres	Weekly	1 bin
Total				3 bins

* The total bin capacity is slightly less than the expected generation, and may require some minor compaction of waste

Table 4 Bin Specifications

Capacity	Width	Depth	Height	Area
360 litres	0.70m	0.85m	1.10m	0.60m ²
660 litres	1.25m	0.80m	1.30m	1.00 m ²
1,100 litres	1.25m	1.10m	1.35m	1.38 m ²

Bin lids will be colour coded to the Australian Standard (AS4123) or to the standard colour specifications of the private contractor.

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5.2 Bin Storage

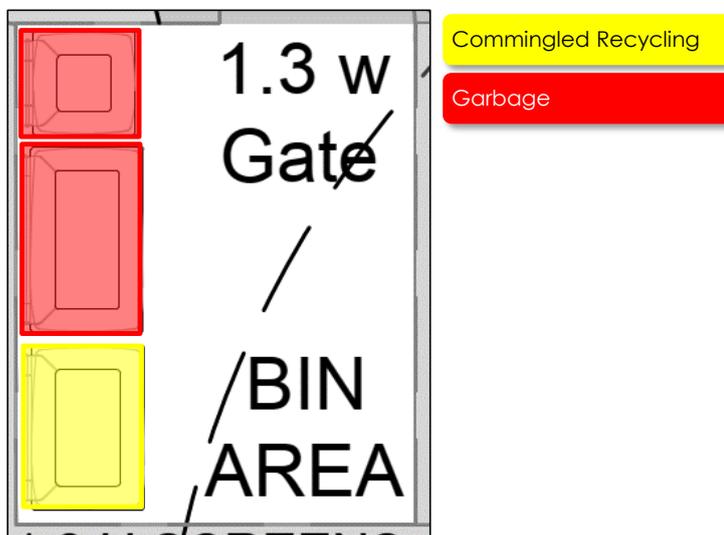
As indicated in Figure 2, it is proposed to provide a bin storage area south of the car park, adjacent to the pedestrian path.

The layout of the bin storage area is shown in Figure 3, which demonstrates that the area is capable of accommodating the required bins, as calculated in Table 3.

Furthermore, the bin storage room is located appropriately for access by staff, and is secured from the common areas.

The bin storage room should be vermin proof, and have appropriate ventilation, lighting and drainage.

Figure 3 Bin Storage Room Layout



5.3 Bin Collection

On collection days, the waste truck will enter the site, and prop within the car park. The private contractor will collect the bins directly from the bin enclosure, and return them immediately after collection. The waste tuck will then exit the site in a forward direction.

Swept path diagrams showing the above movements being performed with a 9.8 metre vehicle are attached in Appendix A.

5.4 Bin Cleaning

The operator shall ensure that the bins are kept in a clean state, to minimise odours and to discourage vermin. This may include regular cleaning by a third party, cleaning by the waste contractor, bin swapping by the waste contractor, or maintenance by staff.

If cleaning is to be undertaken on-site, it should only occur in a designated bin cleaning area, provided with a drain connected to sewer.

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6 WASTE MANAGEMENT

6.1 Best Practice Waste Management

Best Practice Waste Management is an initiative designed to reduce the amount of waste generated through encouraging a change of behaviour and action on waste management and moreover recycling.

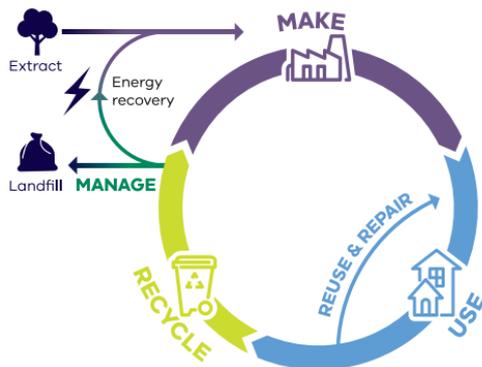
The benefits of reducing waste generation are far reaching and have been identified as significantly important by Council and the Victorian Government.

Recycling Victoria: A New Economy is a policy and 10-year action plan, prepared by the Victoria Government, to “deliver a cleaner, greener Victoria, with less waste and pollution, better recycling, more jobs and a stronger economy”.

Four overarching goals have been identified in order to achieve a circular economy in relation to waste, as below:

1. MAKE – Design to last, repair and recycle;
2. USE – Use products to create more value;
3. RECYCLE – Recycle more resources;
4. MANAGE – Reduce harm from waste and pollution.

Figure 4 Resource Flows in a Circular Economy



In relation to the proposed development, recycling is of key importance, and in this regard, the operator shall encourage staff to participate in minimising and reducing solid waste production by:

- Promoting the waste hierarchy, which in order of preference seeks to:
 - + Avoid waste generation in the first place;
 - + Increase the reuse and recycling of waste when it is generated; and
 - + Recover, treat or contain waste preferentially to;
 - + Its disposal in Land Fill (which is least desirable).
- Providing information detailing recyclable materials to ensure that non-recyclable materials do not contaminate recycling collections;
- Providing information regarding safe chemical waste disposal methods and solutions, including correct battery and electronics disposal methods;
- Encouraging composting for staff; and
- Providing tips for recycling and reusing waste, including encouraging the disposal of reusable items in good condition via donations to Opportunity Shops and Charities.

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6.2 Bin Usage

Staff will bag and dispose of garbage in the provided bins indoors, which will be transferred by a cleaner or building manager to the main bins, located in the bin storage enclosure.

Staff will transport and dispose of recyclables (non-bagged) in the provided bins indoors, which will be transferred by a cleaner or building manager to the main bins, located in the bin storage enclosure. Cardboard boxes should be flattened, and containers rinsed and cleaned prior to disposal in the provided bins.

6.3 Signage

To avoid contamination between garbage streams, bin lids will be colour coded in accordance with contractor standards, to ensure the bin type is easily distinguishable. Furthermore, bins should include typical signage (preferably on the bin lid) to reinforce the appropriate materials to be deposited in each bin. Example signage is shown below.

Figure 5 Example Waste Signage



6.4 Noise Control

To minimise the disturbance to residents during waste collection, the collection should follow the criteria specified by the EPA, as below:

- Collections occurring once a week should be restricted to the hours 6:00am to 6:00pm, Monday to Saturday;
- Collections occurring more than once a week should be restricted to the hours 7:00am to 6:00pm, Monday to Saturday;
- Compaction should only be carried out while on the move;
- Bottles should not be broken up at the point of collection;
- Routes that service entirely residential areas should be altered regularly to reduce early morning disturbance; and
- Noisy verbal communication between operators should be avoided where possible.

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6.5 Staff Information

To ensure all staff are aware of their responsibilities with regard to waste and bin management, an information package will be provided by the operator to all staff, including the following information:

- A copy of this Waste Management Plan;
- Methods and techniques for waste reduction and minimisation;
- Information regarding bin collection days and requirements;
- Staff responsibilities with regard to bin usage, storage, and collection; and
- Staff responsibilities with regard to litter and waste removal from the common property.

6.6 Municipal Charges

It is noted that every rateable tenement within the proposed development is liable for municipal waste charges, irrespective of the services provided by Council.

7 OCCUPATIONAL HEALTH & SAFETY RESPONSIBILITIES

The site operator shall ensure compliance to all relevant OH&S regulations and legislation, including the following:

- Worksafe Victoria Guidelines for Non-Hazardous Waste and Recyclable Materials

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8 CONTACT INFORMATION

8.1 Council

Macedon Ranges Shire Council

Phone: (03) 5422 0333

Web: www.mrsc.vic.gov.au

8.2 Contractors

Cleanaway

Services: Private contractor

Phone: 131 339

Web: www.cleanaway.com.au/

JJ Richards & Sons

Services: Private contractor including bin tugs

Phone: (03) 9703 5222

Web: www.jjrichards.com.au

Email: operations.melbourne@jjrichards.com.au

WasteWise

Services: Private contractor

Phone: 1300 550 408

Web: www.wastewise.com.au

8.3 Equipment

Eco-Safe Technologies (odour control equipment)

Phone: 0411 335 753

Web: <https://eco-safe.com.au/>

Email: info@eco-safe.com.au

8.4 Others

Sustainability Victoria

Services: Sustainable Waste Management initiatives and information

Phone: 1300 363 744 (Energy, Waste and Recycling)

Web: www.sustainability.vic.gov.au

Email: info@sustainability.vic.gov.au

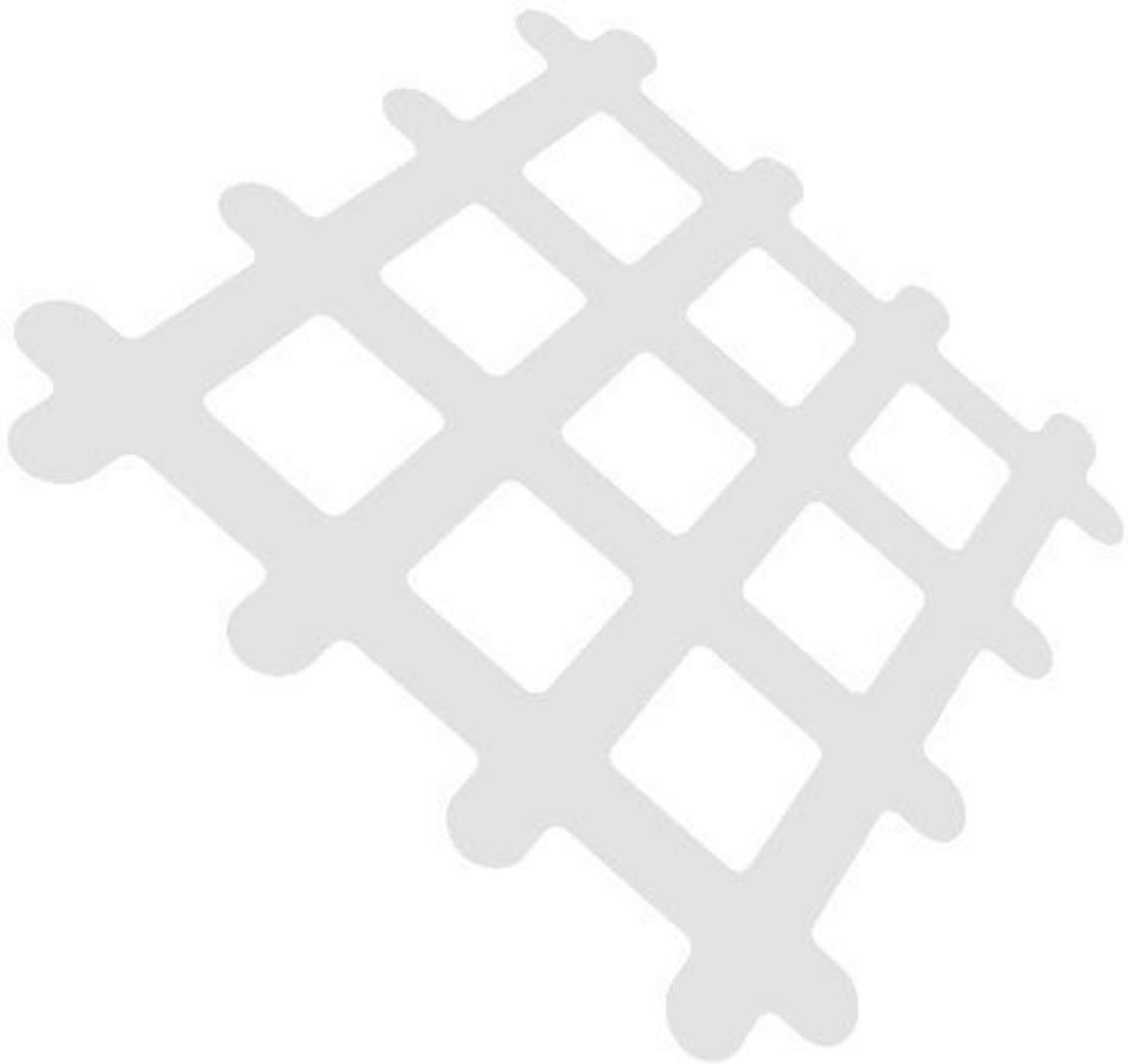
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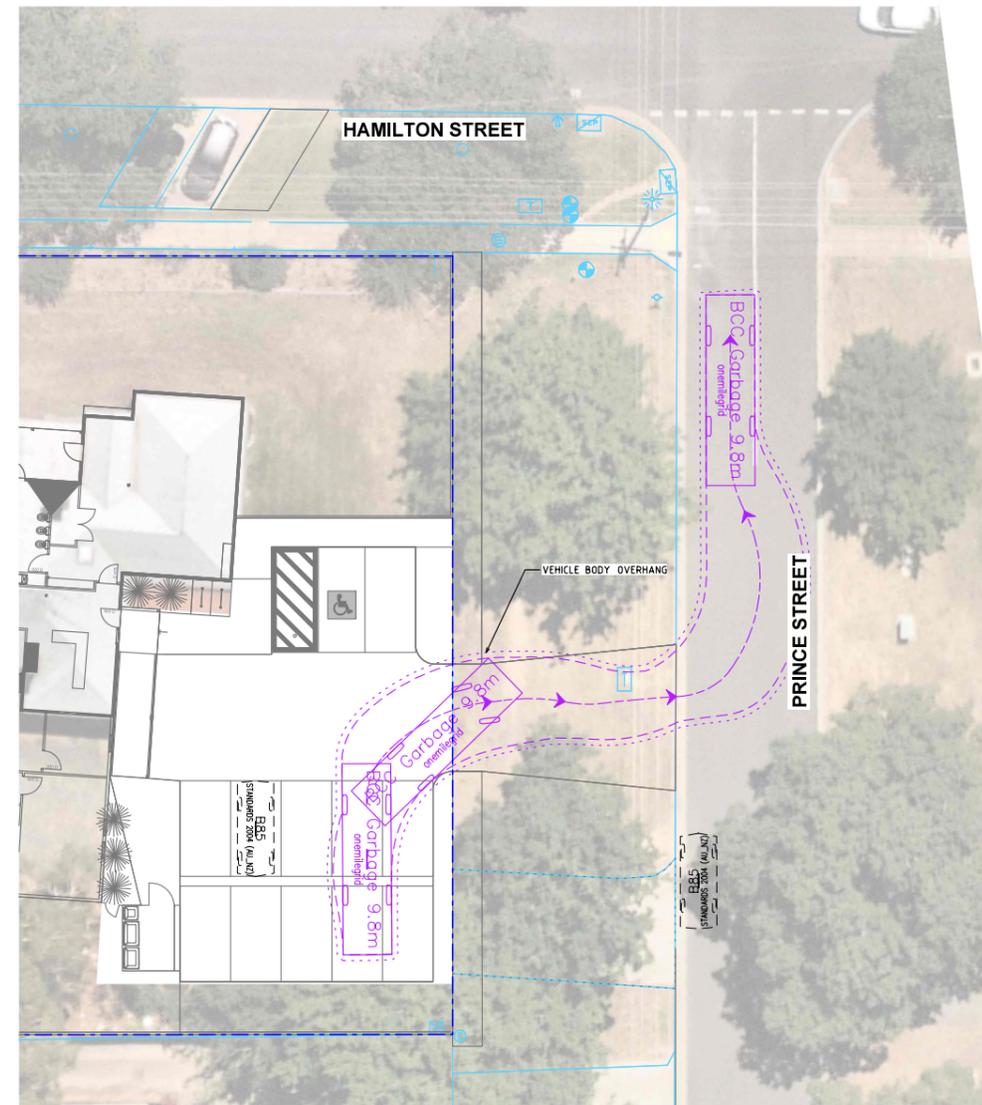
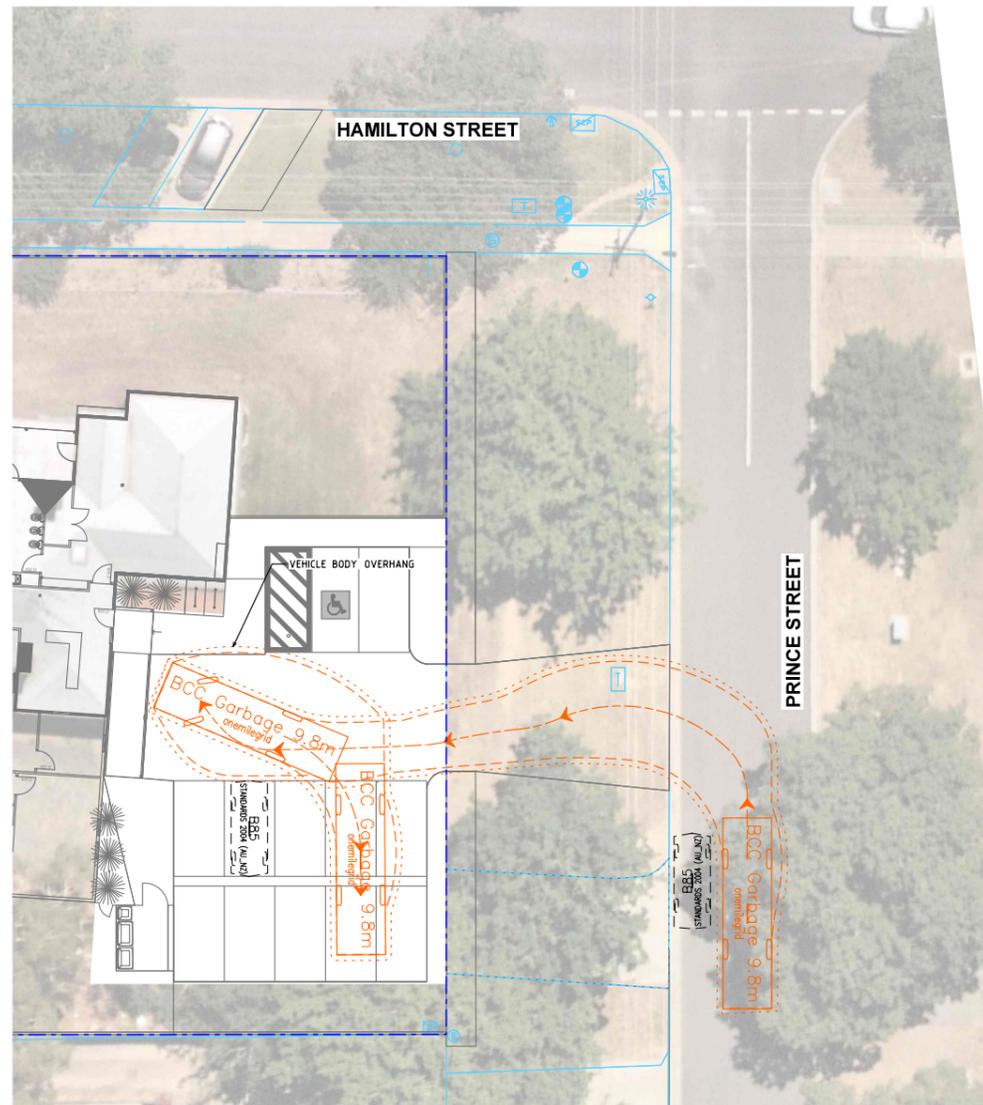
Appendix A

Swept Path Diagram



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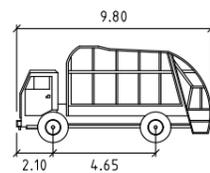
--- DESIGN VEHICLE SWEEP PATHS SHOWN DASHED
 300mm CLEARANCE ENVELOPE SHOWN DOTTED

EXIT MANOEUVRES

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[CAD File: N:\Projects\2022\220280\Drawings\220280SPA102.dgn

Date Plotted: 17-03-2023 11:39:59 AM



BCC GARBAGE 9.8m meters
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 Steering Angle : 35.8

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Aerial Photography
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 56 Down Street, Collingwood, VIC 3066
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 Phone: (03) 9939 8250

Scale: 1:300 @ A3

Drawing Title 41 HAMILTON STREET, GISBORNE SITE VEHICLE ACCESS SWEEP PATH ANALYSIS		
Designed CM	Approved VG	Metway Ref 678 B3
Project Number 220280	Drawing Number SPA102	Revision C

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41 HAMILTON STREET, GISBORNE

Acoustic Report for Town Planning Application

For

FLAG INVESTMENTS (VIC) PTY LTD ATF THE FLAG
INVESTMENTS TRUST C/- HUMAN HABITATS

DOC. REF: V1250-01-P ACOUSTIC REPORT (R1)
23 FEBRUARY 2023

Enfield Acoustics Pty Ltd
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Project	41 Hamilton Street, Gisborne
Subject	Acoustic Report for Town Planning Application
Client	Flag Investments (VIC) Pty Ltd ATF The Flag Investments Trust
c/- Human Habitats	
Document Reference	V1250-01-P Acoustic Report (r1).docx
Date of Issue	23 February 2023

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41 Hamilton Street, Gisborne
 Acoustic Report for Town Planning Application

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1 Introduction

Enfield Acoustics has been engaged by Flag Investments (VIC) Pty Ltd ATF The Flag Investments Trust c/- Human Habitats to assess the proposed childcare centre at 41 Hamilton Street, Gisborne (Subject Land). This assessment will form part of the planning permit application for the proposed development (Application).

This report assesses potential noise impacts from the proposed childcare centre at proximate sensitive receivers surrounding the Subject Land.

Our assessment is based on Plans prepared by Bill Jacobs Design dated 7 February 2023 and in accordance with the Association of Australasian Acoustical Consultants (AAAC) *Guideline for Childcare Centre Acoustic Assessment*.

2 Subject Land Use

It is understood that the Application seeks approval to develop the Subject Land for use as a childcare centre. The Application proposal is for:

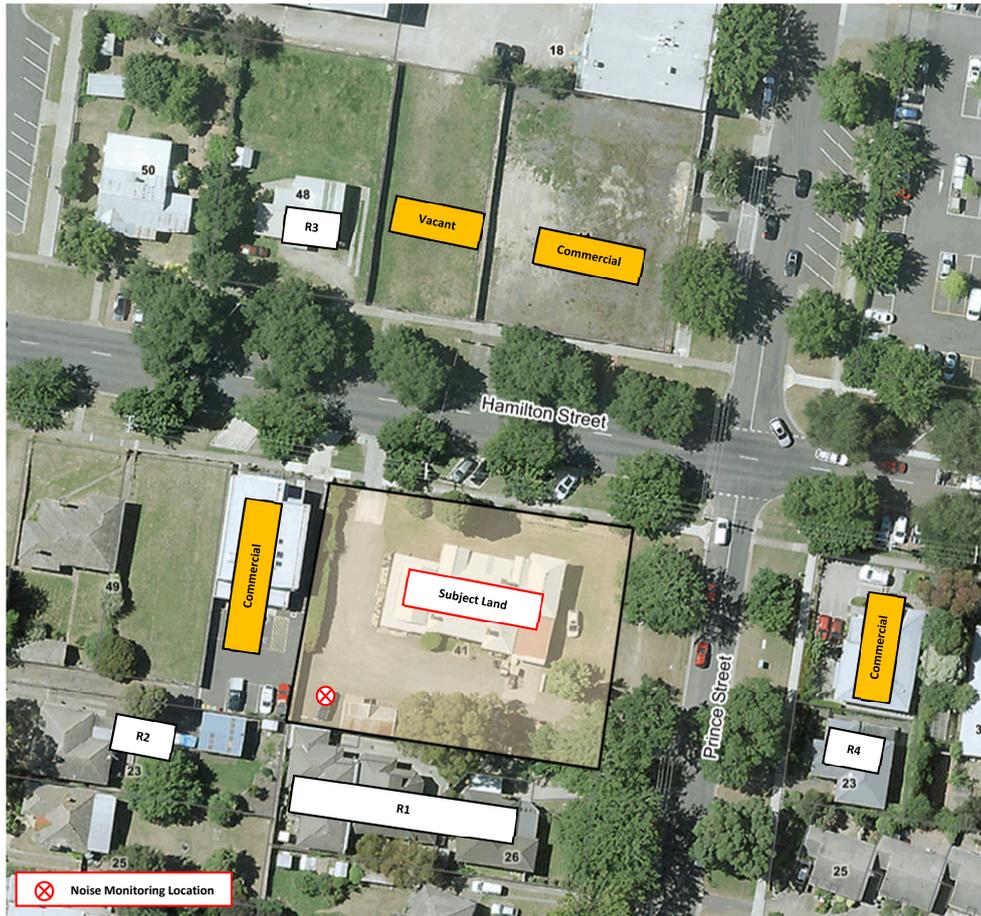
- Up to 98 children;
- Dedicated outdoor play areas; and
- Carpark.

Sensitive uses surrounding the Subject Land were identified as follows:

Tag	Location of Sensitive Use	Direction	Type
R1	26 Prince Street	South	Mix of single and double-storey
R2	23 Goode Street	Southwest	Single-storey
R3	48 Hamilton Street	North	Single-storey
R4	23 Prince Street	East	Single-storey

Refer below for a site map showing locations of sensitive uses relative to the Subject Land:

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Given that the sensitive uses identified above are the closest to the Subject Land, it is intrinsic that compliance at these locations would also result in compliance at all other possible sensitive uses proximate the Subject Land.

The Subject Land is otherwise adjacent to various other commercial uses and a vacant plot of land to the North.

3 Site Inspection

A site inspection was carried out by our office on 2 December 2022.

Background noise measurements were carried out with the following noise levels recorded:

Location	Noise Level
Southwest corner of Subject Land	42 dB(A), L ₉₀

41 Hamilton Street, Gisborne

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Acoustic Report for Town Planning Application

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It was observed that the ambient noise environment was dominated by distant traffic noise, with moderate levels of local road traffic observed. Overall, the background noise environment surrounding the Subject Land is considered moderate and consistent with outer suburban areas.

Noise measurements were carried out between 12pm to 1pm as it is typical to find lowest background noise throughout the middle of the day (between peak traffic periods). This results in a conservative noise assessment in comparison to average daily measurements being considered, which would include peak traffic periods. This time is also representative of when the maximum number of children are most likely to be outdoors in play areas, subsequently representing the highest risk for noise impacts at adjacent residential premises with respect to background noise vs intrusive noise.

4 Assessment

4.1 Legislation

Two sources of noise associated with childcare centres (services plant and music noise) are subject to legislated noise limits of EP Regulations 2021 and *EPA Publication 1826 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Noise Protocol)

The Noise Protocol is enforceable under the Environmental Protection Act 2017. In practice, given the normal operating hours of childcare centres, these sources do not present any material risk where the permit conditions require compliance with the Noise Protocol. Regardless, childcare centres are required to comply with the Noise Protocol and it is usually sufficient to approve a permit with the following conditions:

1. Plant equipment and music playback on the land shall comply with *EPA Publication 1826 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* at all times.

4.2 Outdoor Play Areas

There are currently no guidelines or policies in Victoria, at statutory level or within the planning scheme, for the assessment of noise emissions associated with outdoor play areas of childcare centres. In lieu of such guidelines or policies, it is appropriate to consider the *Guideline for Childcare Centre Acoustic Assessment, September 2020* published by the Association of Australasian Acoustic Consultants (the AAAC Guideline) and Victorian Civil and Administrative Tribunal (VCAT) precedents.

It is important to note that case history indicates that VCAT has not accepted the AAAC Guideline as being wholly appropriate for the assessment of reasonable amenity. These views are shared by acoustic experts and members of the AAAC and Australian Acoustical Society in Victoria. Generally, the AAAC Guideline is viewed as being aspirational but not reflective of reasonable

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expectations to minimise noise. Regardless, where an application can meet the upper noise targets of the AAAC Guideline (i.e. background noise +10dB), it is typically viewed as being an appropriate design response in minimising noise impacts.

On the above basis, the appropriate noise target at surrounding residential dwellings have been derived based on the background noise levels recorded, as follows:

Location	Noise Target
All identified sensitive uses	52 dB(A), LAeq

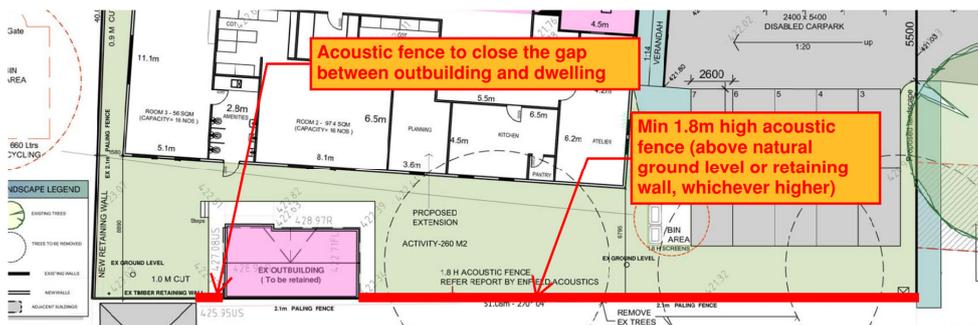
Our office has prepared 3D acoustic modelling based on the site conditions, proposed plans and number of placements, in accordance with the AAAC Guideline. The modelling assumes that all children would be located outside at the same time. In practice, this results in a conservative assessment given that pickup and dropoff times typically vary over a day and varying ages and group segregation often results in scattered play times and areas of use.

Our modelling assumes sound power levels of children playing outside in accordance with the AAAC Guideline, as follows:

Location	Number of Children	SWL
Outdoor Play Area – South	32 (mix of ages 0 to 5)	89 dB(A)
Outdoor Play Area – North	66 (mix of ages 2 to 5)	94 dB(A)

The research paper *Carrying Out Noise Assessments for Proposed Childcare Facilities – Proceedings of Acoustics 2006* identified that typically only up to 35% of the number of children within outdoor play areas are expected to be vocal at a given time, noting that this has been considered in our acoustic model.

The results of our modelling indicate that outdoor play areas would comply with the recommended noise targets at all proximate sensitive uses with moderate acoustic screening, as follows:



The acoustic screening recommended above is in part to mitigate noise impacts from carpark use (discussed later).

Results of the modelling can be referred to in Appendix A.

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Inclusive of the acoustic screening shown above, the results of our modelling indicate that outdoor play areas would comply with the recommended noise targets at all identified sensitive uses by a reasonable margin, indicating a satisfactory outcome.

An acoustic fence is not required to the West boundary given that it interfaces with a commercial use. Acoustic fences are also not required to the North and East boundary given that sensitive uses are adequately setback from the Subject Land.

To this end, Enfield Acoustics is satisfied that the proposal will not result in adverse noise impacts at all identified sensitive uses, providing that acoustic screening as recommended above are installed.

4.3 Traffic Noise

The Plans indicate car parking located towards the East of the Subject Land.

The AAAC guideline recommends that noise from pickup and drop-offs do not exceed Background + 5dB(A), resulting in the following noise target:

Location	Noise Target
All identified sensitive uses	47 dB(A), LAeq

We have assumed that up to 60 vehicle movements could occur in a 60-minute period, with pick-up and drop-offs occurring at the proposed car park on the Subject Land. In our experience, this represents a worst-case scenario during pick-up and drop-off times but would need to consider the appropriate traffic engineering study.

The following sound power levels were used (based on AAAC Guideline):

Location	Sound Power Level
Carpark area 60 cars per hour	78dB(A)

Inclusive of the acoustic screening proposed in Section 4.2, the results of our modelling indicate that the use of the car park (including occasional delivery vans) would comply with AAAC noise targets by a reasonable margin, indicating a satisfactory outcome.

Results are shown at Appendix A.

4.4 Sleep Disturbance

It is typical for childcare centres to commence operation (drop-offs and staff arrival) before 7am, however outdoor play use is not expected to occur before 7am. As such, our assessment will consider sleep disturbance impacts from carpark use on the Subject Land.

No specific policy exists in assessing the risk of sleep disturbance of carparks, however 'Sleep Disturbance' criteria derived from the NSW Road Traffic Policy can be used as a method of assessing the likelihood of noise impacts for short duration or transient events.

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The Sleep Disturbance assessment trigger of L_{max} 65dB(A) outside habitable room windows is often used to determine if noise emissions are likely to cause adverse impacts during the most sensitive ‘Night’ period (10pm to 7am). However, for very infrequent events of 1-2 during the ‘Night’ period, it is generally accepted that outdoor noise levels of up to 80dB(A), L_{max} do not impact on health and wellbeing.

Noise emissions from carpark use have been modelled with the following sound power levels:

Item	Sound Power Level
Car door slams	93dB(A), L_{Amax}

Inclusive of the acoustic screening proposed in Section 4.2, the results of our modelling indicate that carpark noise emissions are expected to comply with sleep disturbance targets by a reasonable margin, indicating a satisfactory outcome.

Results are shown at Appendix A.

5 Recommendations and Conclusion

The Application reviewed by our office is considered to be equivalent to many other approved childcare centres with respect to acoustic outcomes. The proposed use of the Subject Land as a childcare centre is expected to comply with the AAAC Guideline with standardised controls (acoustic screening) approved at the majority of childcare centres in Victoria.

Enfield Acoustics is satisfied that a permit can be approved on this basis. It is recommended that the approved permit include the following conditions:

1. Noise emissions from the land shall comply with *EPA Publication 1826 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* at all times.

All acoustic fencing shall be constructed as follows:

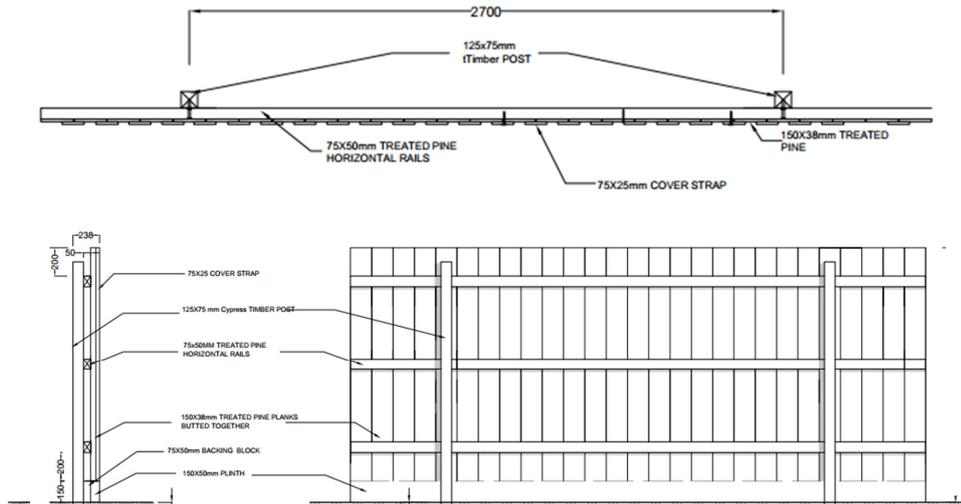
Ground Floor Boundary Acoustic Fence

- To the specified heights and locations as shown in Section 4.2;
- Using fibre cement sheeting, treated timber, lightweight aerated concrete, transparent acrylic panels, glass and profiled sheet cladding as long the selected material (or combined skins) has a mass of at least 10kg/m²;
- The fence shall have no gaps or holes in it, or the likelihood of such occurring through natural causes or deformations, thus allowing noise to pass through;
- The fence must be designed and built in an acceptable manner so that noise will not pass underneath it;
- Any butt joints shall be sealed with a fire-rated weather proof mastic or an overlapping piece of material meeting the mass requirements of 10kg/m² (minimum 35mm each side of the butt joint); and
- Where multiple cladding layers are used (e.g. FC sheeting over timber paling fence), joints in the cladding materials shall not coincide.

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An example detail for an acoustic-grade timber paling fence is shown below:



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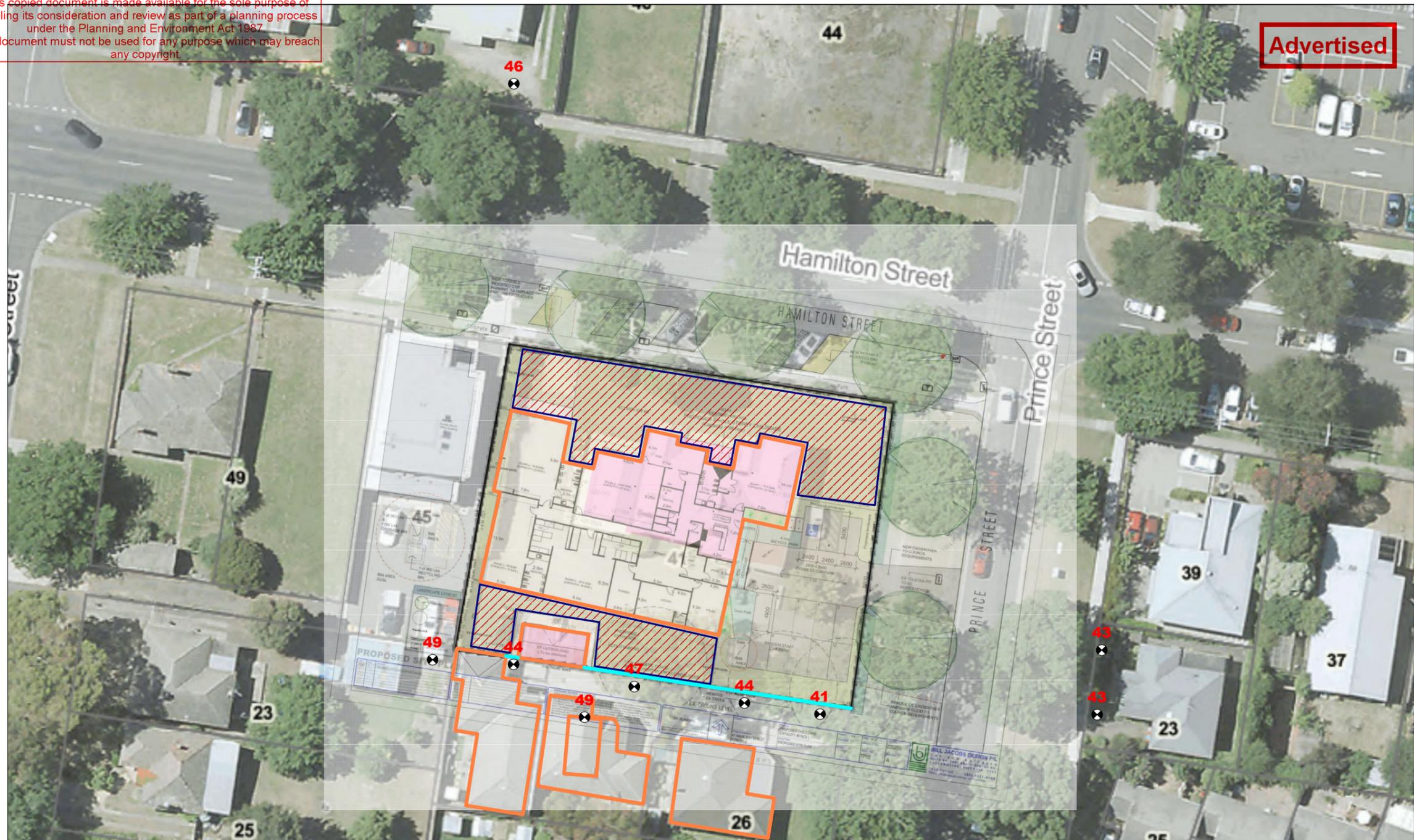
Appendix A: Noise Modelling Results

41 Hamilton Street, Gisborne
Acoustic Report for Town Planning Application

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Page 10 of 11

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<p>Legend:</p> <ul style="list-style-type: none"> N Point Source Area Source Building Barrier Receiver <p>Scale: 1: 462 @ A3</p>	<p>PO Box 920 North Melbourne, VIC 3051 P: 03 9111 0090</p>	<p>Noise emission levels from OUTDOOR PLAY</p> <p>LAeq Noise Levels</p> <p>Project No: V1250</p>	<p>NOTES:</p> <p>*Propagation in accordance with ISO9613</p>
<p>Drawing No: MAP-01</p>		<p>Date: 23.02.2023</p>	

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<p>Drawing No: MAP-03</p>		<p>Date: 23.02.2023</p>	

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CO	CROSSOVER
10.00 +	SPOT HEIGHT
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T	TELECOM/COMMS PIT
E	ELECTRICAL PIT

DESIGN RESPONSE
 SCALE 1:400

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03.03.23	B	AMENDMENT AS PER COUNCIL'S HERITAGE COMMENTS

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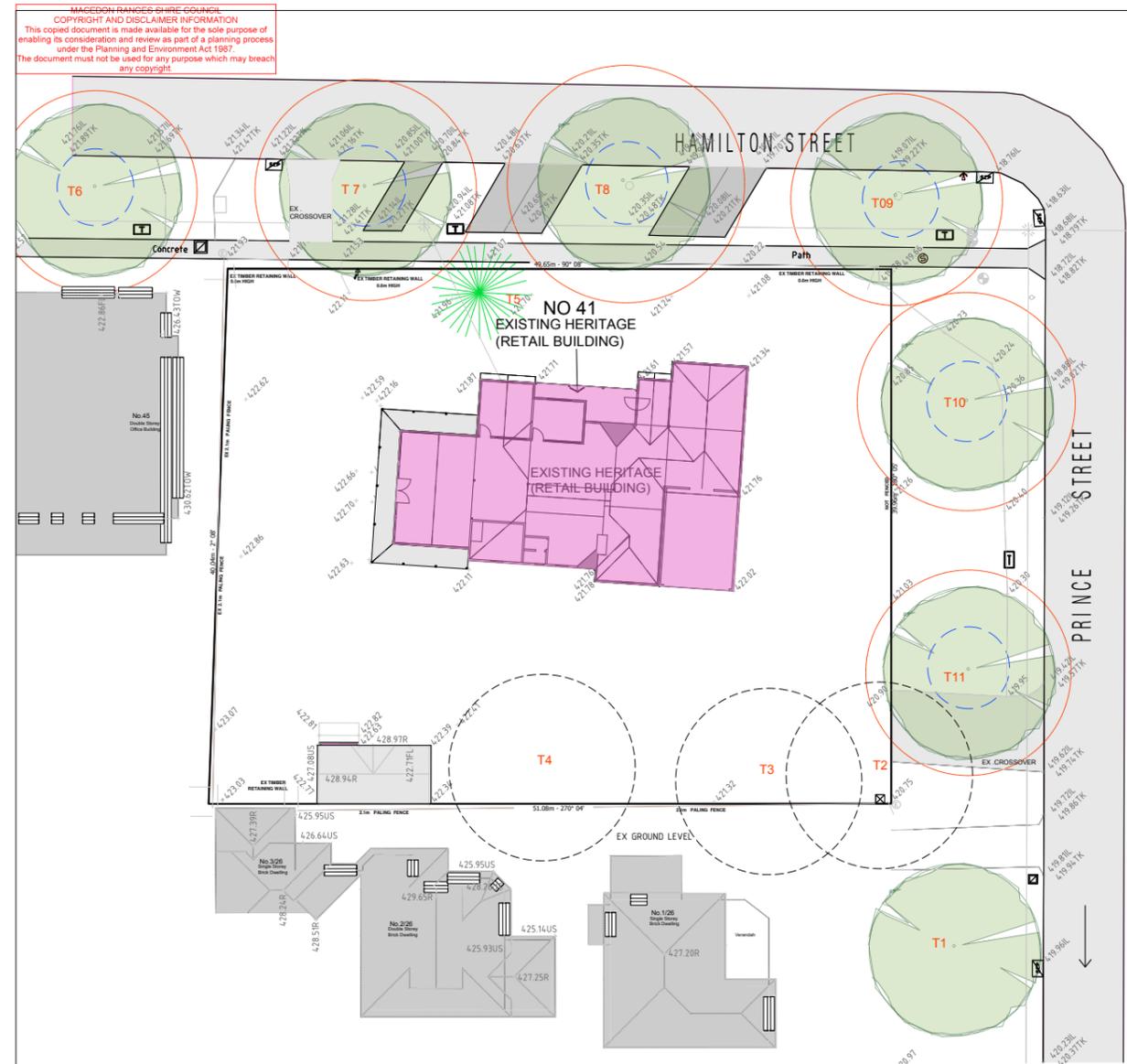
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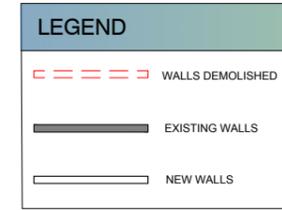
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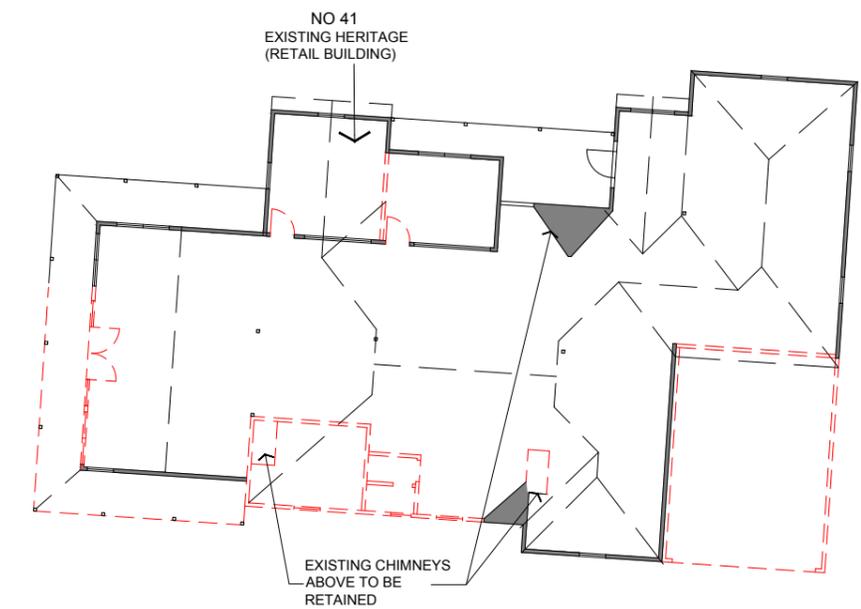
BILL JACOBS DESIGN P/L
 THE ECO BUILDING
 SUITE G4, 189E SOUTH CENTRE RD,
 TULLAMARINE, VICTORIA. 3043
 TELEPHONE : (03) 9331-4444
 EMAIL: info@billjacobs.com.au web: 188 977 091



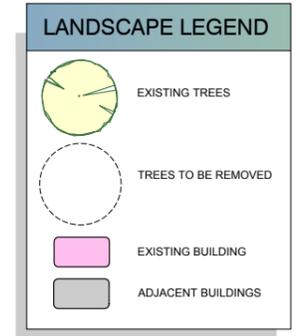
EXISTING SITE PLAN
SCALE 1:200



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DEMOLITION PLAN (RETAIL BUILDING)
SCALE 1:100

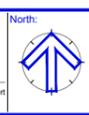


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Client:
**41 HAMILTON STREET
GISBORNE**

Project:
**PROPOSED CHILD CARE
(CAPACITY 98 NOS)**
Dwg Title:
EXISTING AND DEMOLITION PLANS

Drawn: B.N
Checked: A.P
Scale: 1:200 / 1:100 @A1

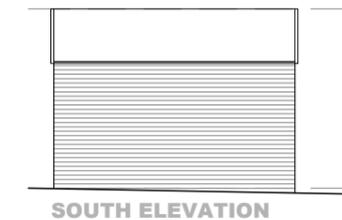
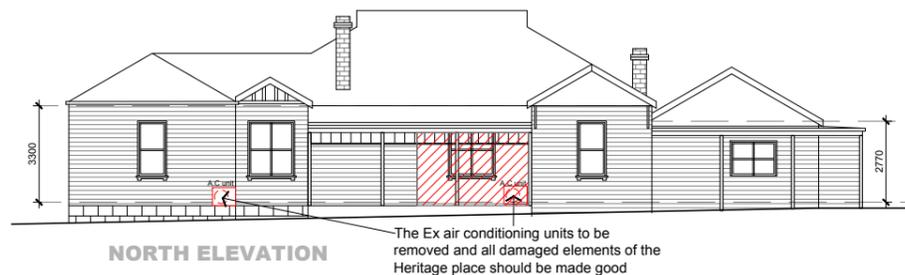
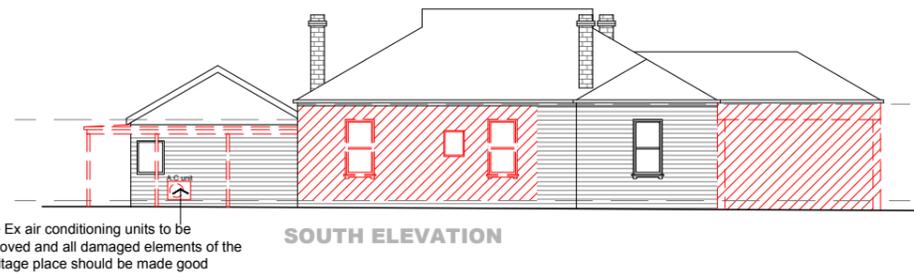
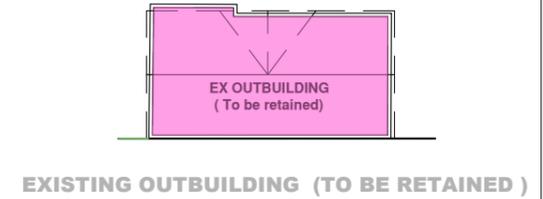
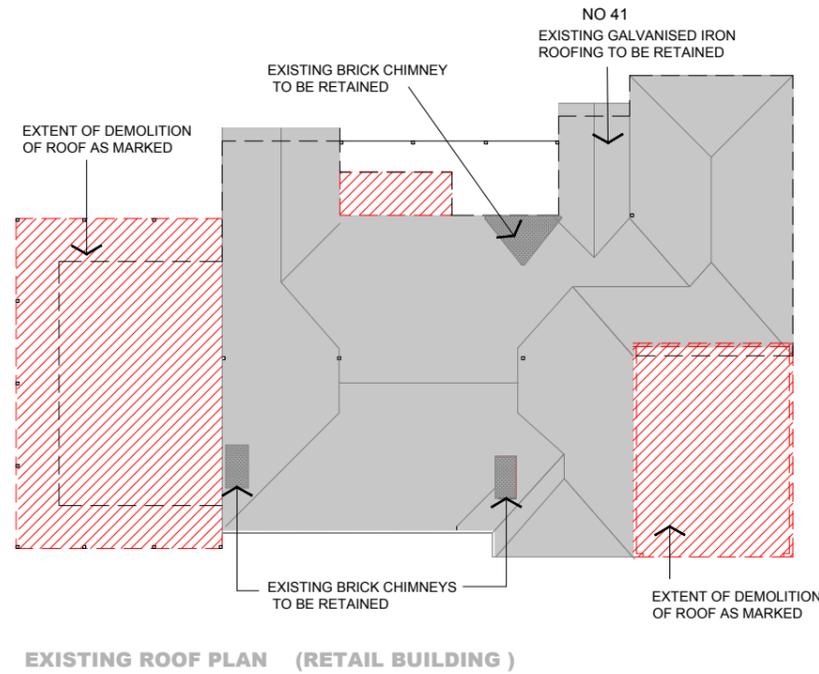
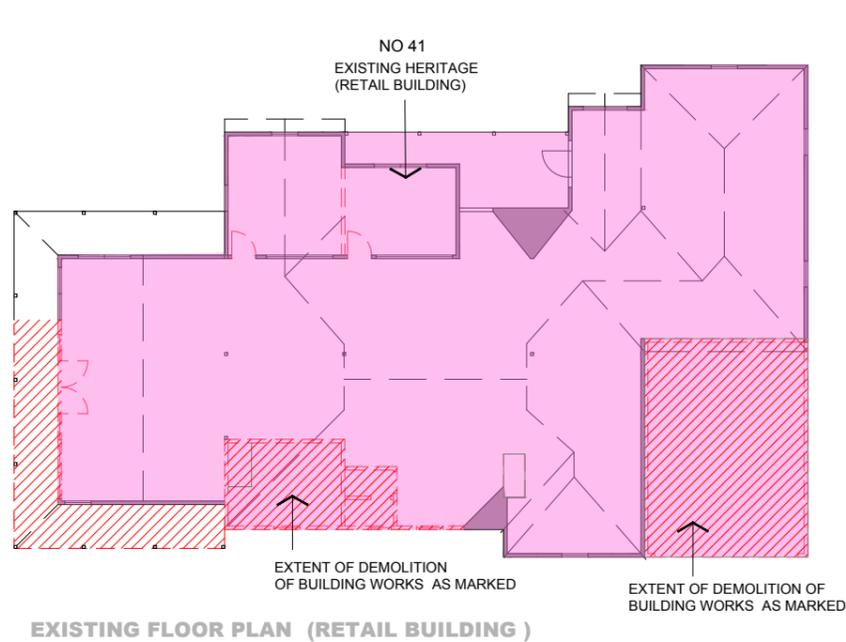
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- EXISTING WALLS
- ▨ SHADED AREA EXTENT OF DEMOLITION

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Issued for: [North Arrow]

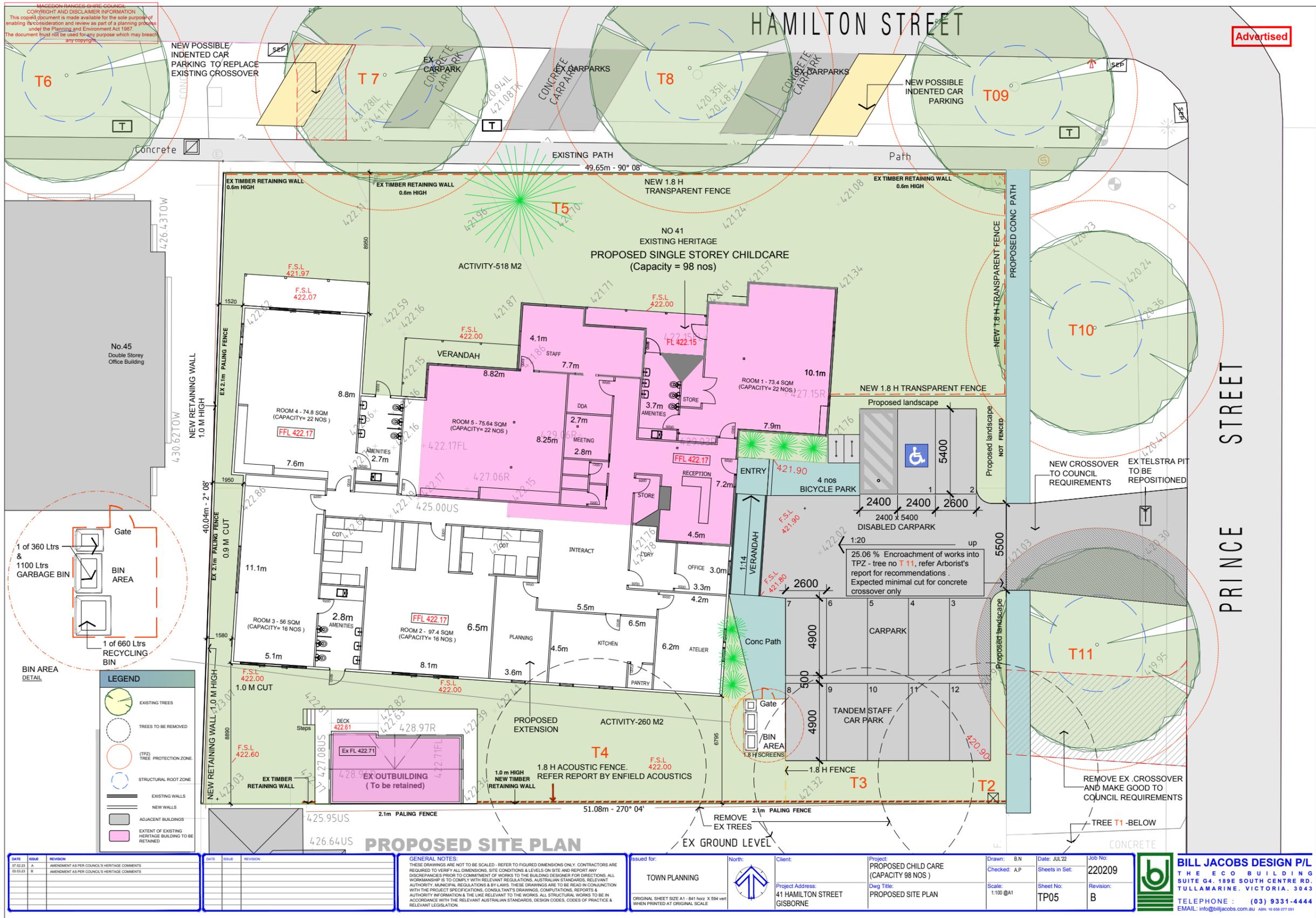
Client: 41 HAMILTON STREET GIBBORNE

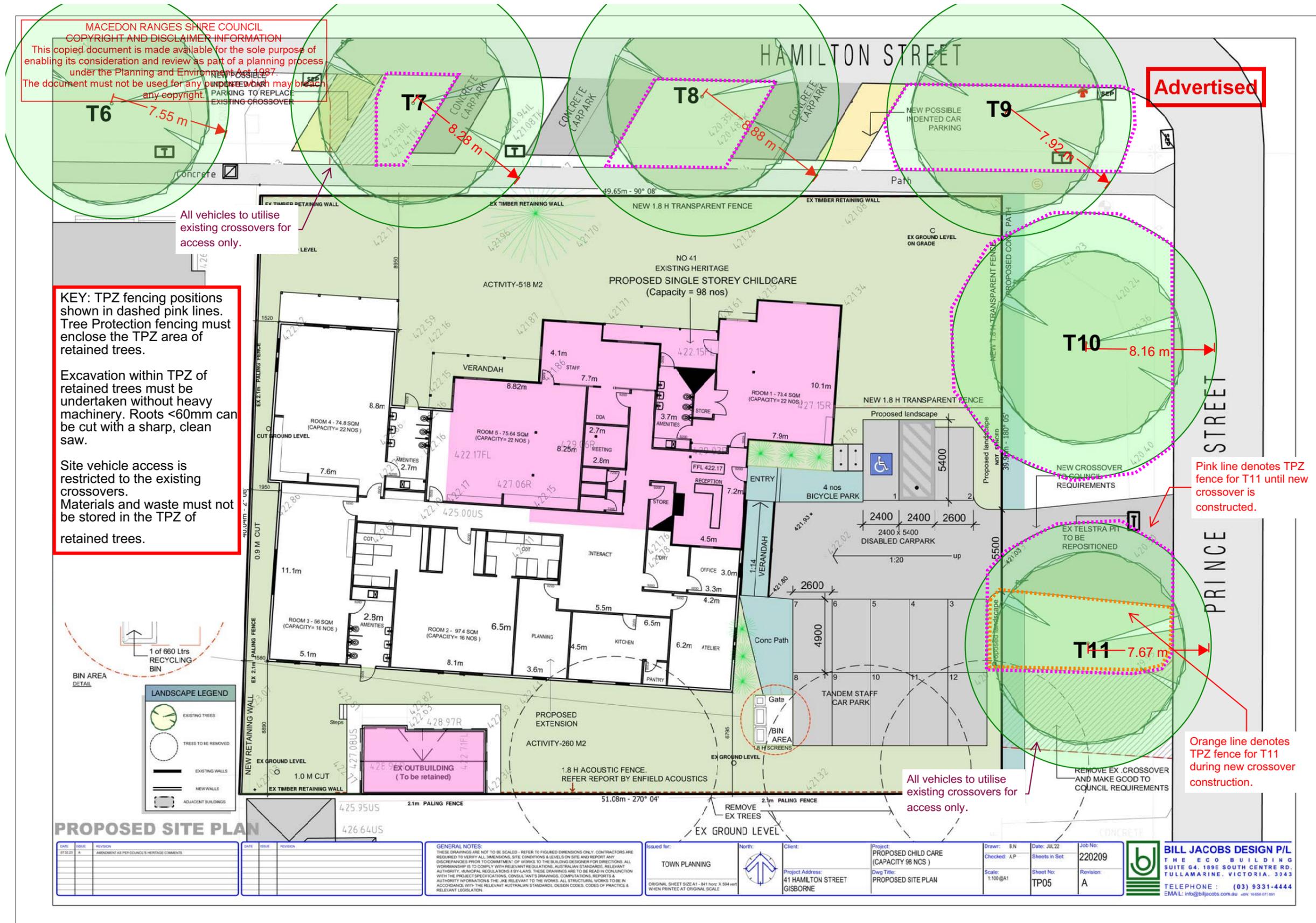
Project: PROPOSED CHILD CARE (CAPACITY 98 NOS)
 Dwg Title: EXISTING FLOOR PLANS, ELEVATIONS

Drawn: B.N
 Checked: A.P
 Scale: 1:100 @A1

Date: JUL 22
 Sheets in Set: [blank]
 Sheet No: TP04

Job No: 220209
 Revision: B
BILL JACOBS DESIGN P/L
 THE ECO BUILDING
 SUITE G4, 189E SOUTH CENTRE RD,
 TULLAMARINE, VICTORIA, 3043
 TELEPHONE : (03) 9331-4444
 EMAIL: info@billjacobs.com.au





DEVELOPMENT SUMMARY

EXISTING SITE AREA: 2014 sqm

EXISTING FLOOR AREA TO BE RETAINED= 290 M2
EXISTING VERANDAH= 29 M2
EXISTING OUTBUILDING = 36.3 M2
NEW FLOOR AREA= 452.8 M2
NEW VERANDAH= 34M2

SITE COVERAGE: 40.00% sqm

CHILD CARE CENTRE (Capacity =98 nos)
REQUIRED EXTERNAL PLAY = 98 X 7 = 686M2
PROVIDED EXTERNAL PLAY = 778M2

CAR PARKING
EXISTING INDENTED CARS AND AVAILABLE OFF STREET CARS ALONG WITH 5 TANDEM CARPARK SPACE FOR STAFF TO BE CONSIDERED TO MAKE UP THE REQUIRED 21 CARS FOR CHILDCARE SUBJECT TO COUNCIL AND TRAFFIC REPORT

COLOURS & FINISHES SCHEDULE

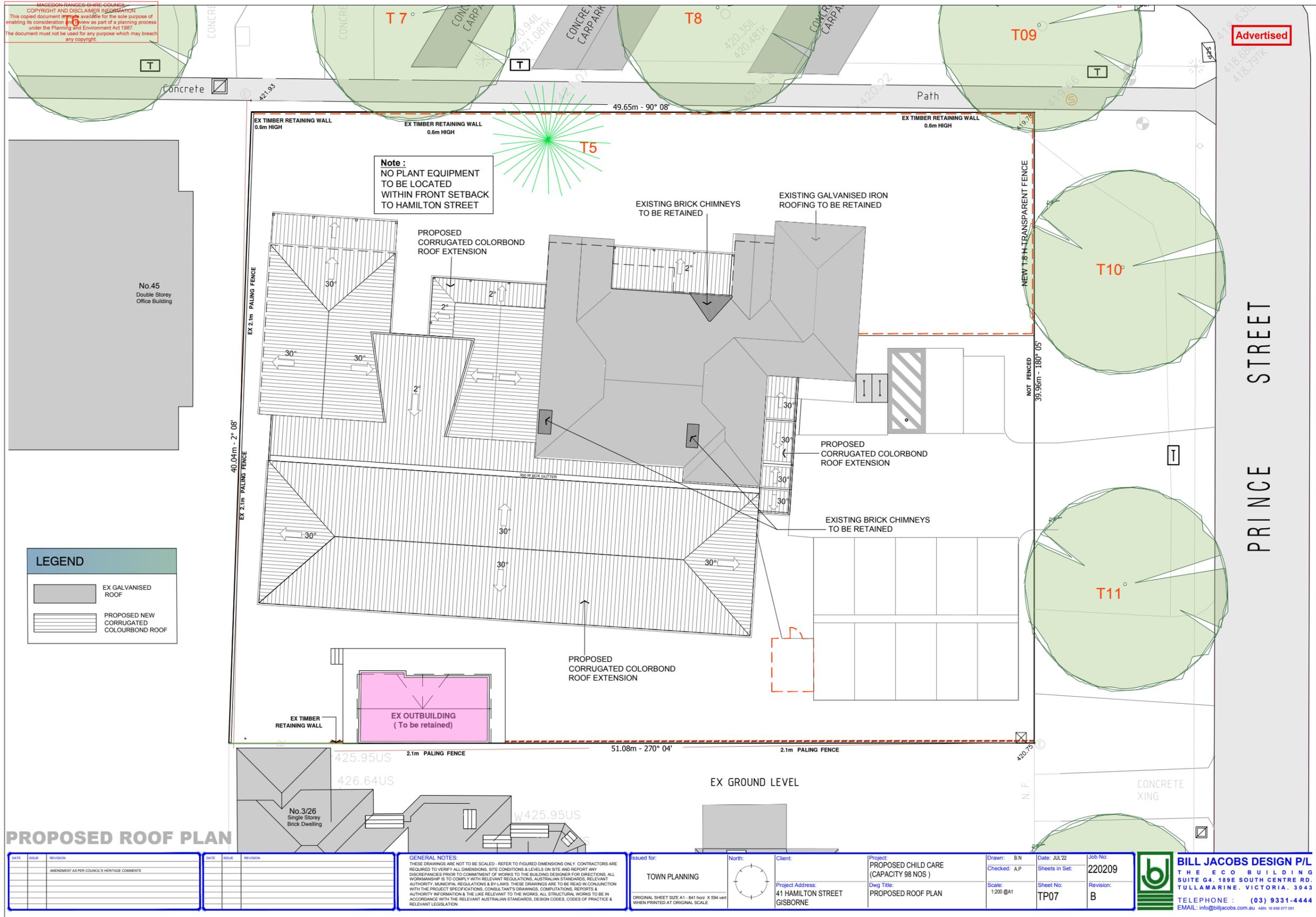
- A Selected Roof
corrugated profile :
COLORBOND - Shale Grey
- B Selected Window Frames Aluminium:
Vivid White
To match with existing Heritage Building
- C Selected Weatherboard
Light straw
Colours to match Heritage Building
- D Selected Gutter, Downpipes
COLORBOND
Monument (or similar)
- E Selected Fascia, Timber posts and fretwork
painted in
Dulux Vivid White
- F Selected Fence
19 mm galvanised rods

DATE	ISSUE	REVISION	DATE	ISSUE	REVISION
		AMENDMENT AS PER COUNCIL'S HERITAGE COMMENTS			

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Issued for: TOWN PLANNING	North: 	Client: 41 HAMILTON STREET GISBORNE	Project: PROPOSED CHILD CARE (CAPACITY 98 NOS)	Drawn: B.N Checked: A.P	Date: JUL 22 Sheets in Set:	Job No: 220209
ORIGINAL SHEET SIZE A1 - 841 horiz. X 594 vert WHEN PRINTED AT ORIGINAL SCALE			Dwg Title: ELEVATIONS	Scale: 1:100 @A1	Sheet No: TP06	Revision: B

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DATE	ISSUE	REVISION
		AMENDMENT AS PER COUNCIL'S HERITAGE COMMENTS

DATE	ISSUE	REVISION

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issued for: **TOWN PLANNING**

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WHEN PRINTED AT ORIGINAL SCALE

Client: **41 HAMILTON STREET GISBORNE**

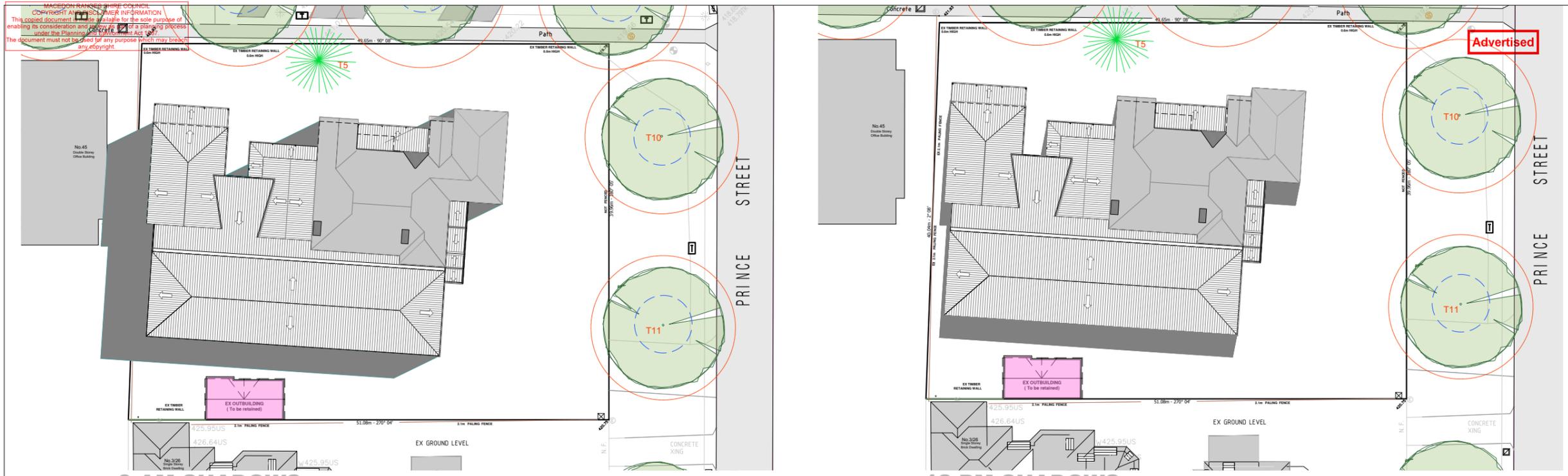
Project: **PROPOSED CHILD CARE (CAPACITY 98 NOS)**

Dwg Title: **PROPOSED ROOF PLAN**

Drawn: B.N
Checked: A.P
Date: JUL 22
Sheets in Set:
Scale: 1:200 @A1
Sheet No: TP07

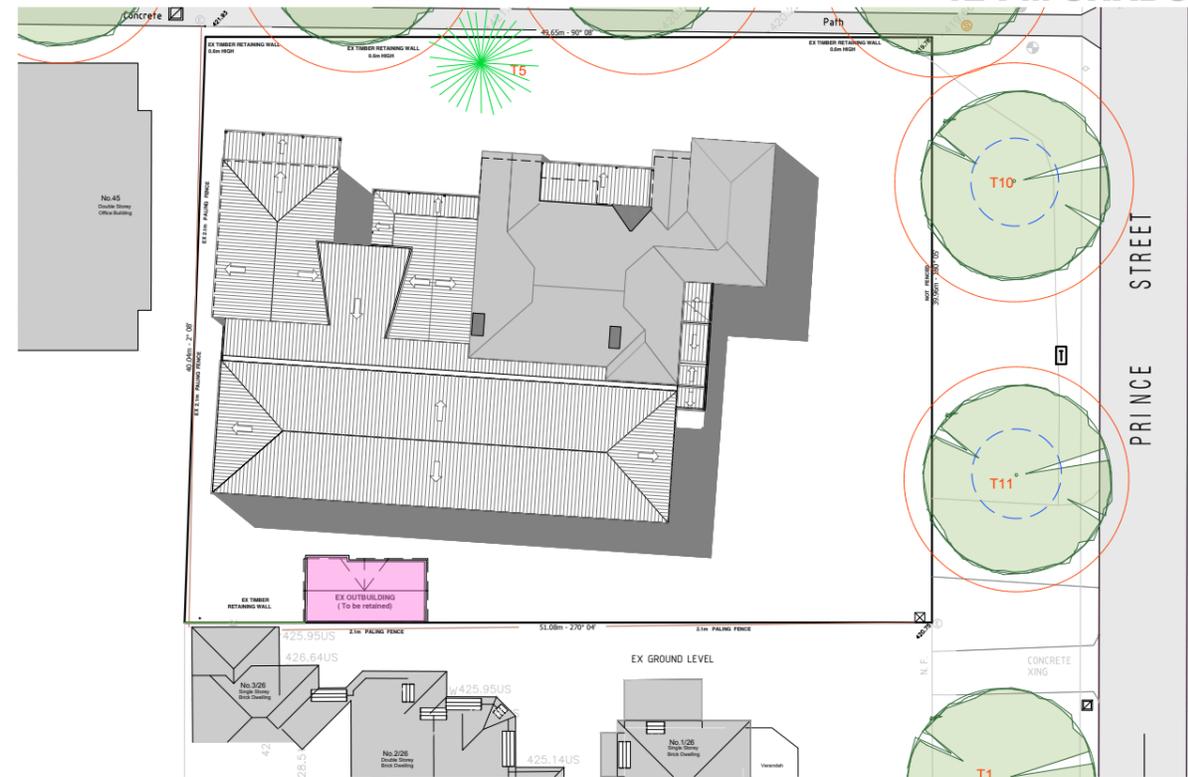
Job No: 220209
Revision: B

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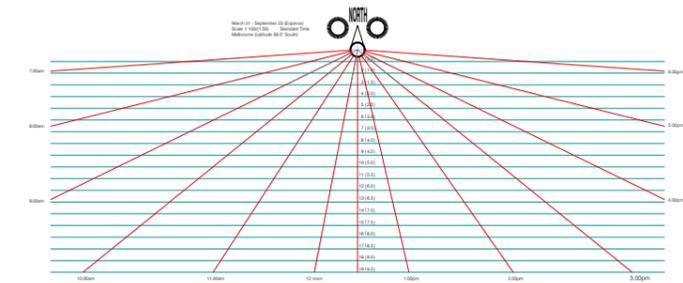


9 AM SHADOWS

12 PM SHADOWS



3 PM SHADOWS



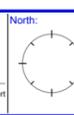
SHADOW DIAGRAMS

DATE	ISSUE	REVISION

DATE	ISSUE	REVISION

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Project: **PROPOSED CHILD CARE (CAPACITY 98 NOS)**
 Dwg Title: **SHADOW DIAGRAMS**

Drawn: **BN**
 Checked: **AP**
 Scale: **1:200 @A1**

Date: **JUL 22**
 Sheets in Set:
 Sheet No: **TP08**

Job No: **220209**
 Revision: **B**

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Advertised



- LEGEND**
- Proposed Tree
Refer to proposed plant schedule for further details and specification.
 - Existing Trees to be Retained
Refer to Arboricultural Impact Assessment and Tree Protection Plan by High Country Arborist Report 27.02.2023.
 - Existing Trees to Remove
Refer to Arboricultural Impact Assessment and Tree Protection Plan by High Country Arborist Report 27.02.2023.
 - Proposed Decorative Concrete Surface
Exposed Aggregate Concrete with Paved Edging
 - Proposed Carpark Surface
Broom Finished Concrete or similar approved by Council
 - Proposed Decking Surface
To future detail
 - Proposed Artificial Grass
35-40mm impact-attenuating sports/education-grade
 - Proposed Soft-fall Rubber
Or similar approved impact attenuation layer
 - Proposed Garden Beds
Proposed planting in mulched garden bed with drip irrigation. Refer to Proposed Planting Schedule
 - Proposed Sand Pit
Washed Sand, minimum 450mm depth
 - Proposed Raised Garden Beds
Raised planter box with mulching, automated drip irrigation, masonry construction or similar approved. Refer to Detail
 - Proposed Play Equipment
Play Equipment to future detail designed by playspace consultant
 - Proposed Footpath
To Council specification
 - Proposed Climbing Plants
On tensioned wires / mesh to future detail

VERTICAL CLIMBERS ON TENSIONED WIRE

41 HAMILTON STREET, GISBORNE
LANDSCAPE CONCEPT PLAN

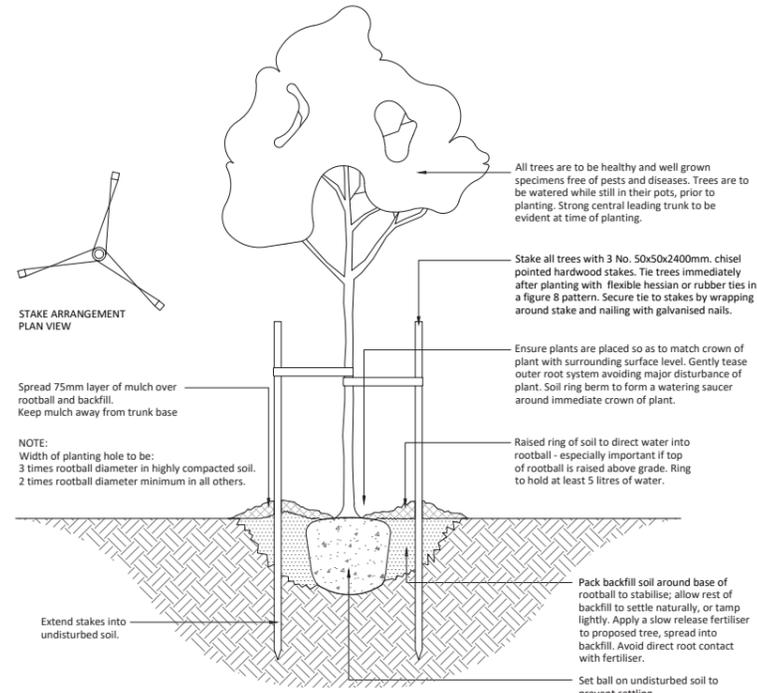


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REV	DESCRIPTION	DATE
A	FOR APPROVAL	08.03.23

DATE: 08.03.23
 JOB NO: 12995
 DWG NO: LCP_001
 REV: A
 1:100 @ A1

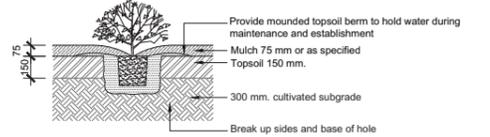
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1 TYPICAL TREE PLANTING DETAIL
 SECTION DETAIL
 LCP_002 1:20

Shrub Planting Notes:

1. Dig hole twice as deep as rootball and allow at least 200 mm. around sides for backfilling with topsoil.
2. Apply fertiliser in base of hole, cover with topsoil (type & rate as per spec). Avoid root contact.
3. Place plant in centre of hole, backfill with approved topsoil, firming progressively.
4. Water well into saucer around crown of plant.
5. Stake larger shrubs where necessary, using 50 x 50 x 1200 mm. hardwood stakes.



2 TYPICAL SHRUB PLANTING DETAIL
 SECTION DETAIL
 LCP_002 1:20

INDICATIVE PLANTING SCHEDULE

Code	Botanical Name	Common name	Pot / Installation Size	Size at maturity (HxW)	Qty
TREES					
ALL lit	<i>Allocasuarina littoralis</i>	Black Sheak	45lt pot, 2.0m ht, 20mm cal.	8 x 4m	2
BAN mar	<i>Banksia marginata</i>	Silver Banksia	45lt pot, 2.5m ht, 25mm cal.	4 x 3m	7
EUC rad	<i>Eucalyptus radiata</i>	Peppermint Gum	45lt pot, 2.0m ht, 20mm cal.	15m x 10	3
IND aus	<i>Indigofera australis</i>	Austral Indigo	45lt pot, 2.5m ht, 25mm cal.	1.5 x 1.5m	9
LAG ind	<i>Lagerstroemia indica 'Natchez'</i>	Natchez Crepe Myrtle	45lt pot, 2.0m ht, 20mm cal.	6 x 6m	7
PYR cal	<i>Pyrus calleryana 'Capital'</i>	Capital Pear	45lt pot, 2.0m ht, 20mm cal.	10 x 3m	5
SYZ aus	<i>Syzygium australe 'Pinnacle'</i>	Pinnacle Lilly Pilly	45lt pot, 2.5m ht, 25mm cal.	6 x 1.5m	17
				TOTAL:	50

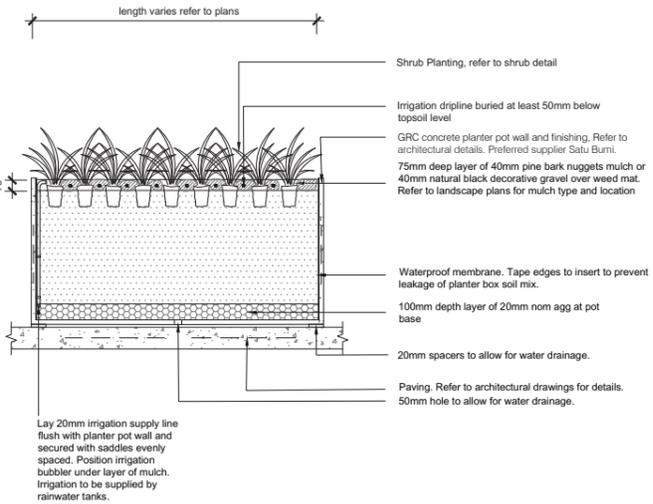
SHRUBS, TUFTING GRASSES (TO BE SELECTED FROM)

ACA ver	<i>Acacia verticillata</i>	Prickly Moses	140mm pot	5m x 5m
ANI Kan	<i>Anigozanthus spp. Kangaroo Paw</i>	Kangaroo Paw	140mm pot	1.8m x 0.9
BAN mar	<i>Banksia marginata</i>	Silver Banksia	140mm pot	10m x 5m
BAN ser	<i>Banksia serrata</i>	Saw Banksia	140mm pot	6m x 4m
CAL cit	<i>Callistemon citrinus</i>	Lemon Scented Bottlebrush	140mm pot	5m x 4m
CAS arc	<i>Cassinia arcuata</i>	Drooping Cassinia	140mm pot	3m x 2m
CAS gla	<i>Casuarina glauca</i>	Swamp Sheoak	140mm pot	20m x 6m
COR alb	<i>Correa alba</i>	White Correa	140mm pot	1.5m x 1.5m
COR ref	<i>Correa reflexa</i>	Common Correa	140mm pot	1.5m x 1.5m
GOO ova	<i>Goodenia ovata</i>	Hop Goodenia	140mm pot	1m x 3m
GRE bar	<i>Grevillea barklyana</i>	Gully Grevillea	140mm pot	10m x 3m
GRE poo	<i>Grevillea 'Poairinda Beauty'</i>	Poorinda Beauty	140mm pot	1.5m x 1.5m
GRE rob	<i>Grevillea sp. 'Robyn Gordon'</i>	Robyn Gordon	140mm pot	1.5m x 1.5m
IND aus	<i>Indigofera australis</i>	Austral Indigo	140mm pot	1.5m x 1.5m
LEP con	<i>Leptospermum continentale</i>	Prickly Tea Tree	140mm pot	4m x 1.5m
LEP myr	<i>Leptospermum myrsinoides</i>	Heath/Silky Tea Tree	140mm pot	2m x 3m
LEP pet	<i>Leptospermum petersonii</i>	Lemon Scented Tea Tree	140mm pot	5m x 2.5m
LEU eri	<i>Leucopogon ericoides</i>	Pink Beard Heath	140mm pot	0.8m x 0.8m
MEL eri	<i>Melaleuca ericifolia</i>	Swamp Paperbark	140mm pot	9m x 5m
OLE lir	<i>Olearia lirata</i>	Snowy Daisy Bush	140mm pot	2m x 5m
SYZ aus	<i>Syzygium australe 'Pinnacle'</i>	Pinnacle Lilly Pilly	140mm pot	6m x 1.5m
WES fru	<i>Westringia fruticosa</i>	Native Rosemary	140mm pot	2m x 4m

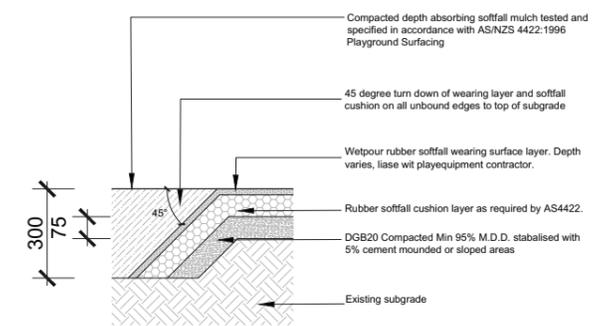
GROUNDCOVERS & CLIMBERS (TO BE SELECTED FROM)

CAR app	<i>Carex appressa</i>	Tall Sedge	140mm pot	1m x 1m
CLE ari	<i>Clematis aristata</i>	Old Man's Beard	140mm pot	Climber
COR sco	<i>Coronidium scorpioides</i>	Button Everlasting	140mm pot	0.3m x 0.3m
GER sol	<i>Geranium solanderi var. solanderi</i>	Austral Crane's Bill	140mm pot	2m x 0.5m
HAR vio	<i>Hardenbergia violacea</i>	Purple Coral Pea	140mm pot	4m x 4m
JUN pal	<i>Juncus pallidus</i>	Pale Rush	140mm pot	1m x 1.2m
LOM lon	<i>Lomandra longifolia</i>	Spiny-headed Mat-rush	140mm pot	1m x 0.5m
THE tri	<i>Themeda triandra</i>	Kangaroo Grass	140mm pot	Stems to 50cm long

Plant species were in part selected from the 'Flora of Macedon Ranges' guide, 2019



3 TYPICAL PLANTER BOX DETAIL - SHRUB PLANTING
 SECTION DETAIL
 LCP_002 1:20



4 SOFTFAL - RUBBER & MULCH
 SECTION DETAIL
 LCP_002 SCALE 1:10

GENERAL NOTES

Tree Protection:
 All trees to be retained are to be suitably protected. Maintain existing ground levels at the interface between the ground and the tree trunk. Install a maximum depth of 100mm approved organic mulch, e.g. woodchips, to the radius of the Root Protection Zones (RPZs) beneath the canopy (for grassed areas and garden beds- tapering soil depth towards tree trunk). Area beneath the canopy of the protected trees should be fenced prior to the commencement of the construction activities. No excavation, filling, machinery or storage of materials shall occur within the fenced off area. Roots requiring severance beyond the tree canopy shall be cut with hand saw and kept moist. All roots over 40mm dia. Any roots within the fenced area should not be cut without the approval from an experienced and approved arborist.

Soil Preparation:
 Prior to spreading topsoil on garden beds and lawn area, the sub-base is to be thoroughly cleared of all building rubble, weeds and other debris, then ripped to a depth of 200mm and rotary hoed. Incorporate gypsum at the rate of 2.0 kg/square metre throughout all garden beds and lawn areas.

Topsoil:
 The topsoil blend should consist of the following, or similar approved:
 60% Sandy loam, 20% aged sawdust, 20% composted pine bark fines

The pH value of imported topsoil should be between 5.5 -6.5. The organic additives to the sandy loam should be based on well rotten vegetative material or composted animal manure, or other approved material, free from harmful chemicals, grass and weed growth. Ensure soil mix complies with AS 4419-1998 for Landscaping and Garden Use.

Garden Beds:
 Evenly spread a minimum depth of 75mm approved clean, finely graded pine wood or Eucalyptus mulch (20mm nom. Size) over topsoil excluding areas specified as pebble/rock mulch. Ensure mulch is kept away from tree and shrub trunks. Ensure mulch finishes 20mm below adjoining finished paving levels.

Planting:
 All plants are to be true to species, healthy, free from pests disease and stress. At the time of planting fertilise all trees with 30 grams of 'Osmocote' all purpose general fertiliser. Fertilise all other shrubs and groundcovers with 10 grams of 'Osmocote'. Ensure all plants are well watered in at the time of planting and as necessary for the first year until established.

Levels/drainage/set-out:
 Ground levels within all landscape areas should drain away from buildings towards the paths, pits, kerbs etc. in accordance with all regulations. Ensure all drainage area have contingency overflow clear of buildings.

All dimensions are to be verified on site prior to construction commencing. Any discrepancies are to be immediately reported to the Project Manager for further instruction.

Irrigation:
 An in-ground sub-soil automated drip irrigation system is to be installed to all garden bed areas

General Street Tree Set-Out Requirements:
 1.2 metres from footpaths
 3.0 metres from driveways and crossovers
 2.0 metres from service assets e.g. pits
 10.0 metres from intersections (or as otherwise advised)
 3.0 metres from street light poles

Advertised



41 HAMILTON STREET, GISBORNE
 DETAILS, GENERAL NOTES AND INDICATIVE PLANT SCHEDULE

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REV	DESCRIPTION	DATE	DATE
A	FOR APPROVAL	08.03.23	08.03.23

JOB NO: 12995
 DWG NO: LCP_002
 REV: A
 AS SHOWN @ A1

9.4	DP/2022/3 WEDGE STREET KYNETON DEVELOPMENT PLAN
Officer:	Leanne Khan, Coordinator Strategic Planning
Council Plan relationship:	1. Connecting communities 3. Business and tourism
Attachments:	Nil

Summary

The application is for a development plan for land known as 88A-90 Wedge Street, Kyneton. The development plan proposes 18 lots and a reserve adjacent to Post Office Creek.

Recommendation

That the Committee defer the decision regarding Development Plan application DP/2022/3 at 88A-90 Wedge Street Kyneton to the 9 November 2023 Planning Delegated committee for a decision.

Background

Development Plan application DP/2022/3 was lodged for land known as 88A-90 Wedge Street, Kyneton and proposes 18 lots and a reserve adjacent to Post Office Creek.

At the 12 July 2023 Planning Delegated Committee Meeting, it was resolved to:

- 1. Notes the submissions received in relation to DP/2022/3; and**
- 2. Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the Planning Delegated Committee Meeting on 13 September 2023.**

Following the 12 July 2023 Planning Delegated Committee, the applicant has advised that they have commissioned further analysis in relation to traffic and the capacity of the Post Office Creek Bridge. At the time of writing this report this additional analysis is under preparation and the likely recommendations unknown. In the absence of this work being completed a decision on DP/2022/3 it is recommended that the consideration of this application by the Committee be deferred to the 9 November 2023.

Discussion

Not applicable.

Consultation and engagement

Not applicable.

Collaboration

Not applicable.

Innovation and continuous improvement

Not applicable.

Relevant law

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

Not applicable.

Relevant Council plans and policies

Not applicable.

Financial viability

Not applicable.

Sustainability implications

Not applicable

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.