

# Agenda

**Planning Delegated Committee Meeting**  
**Wednesday 14 June 2023 at 6pm**  
**Held online and livestreamed at [mrsc.vic.gov.au](https://mrsc.vic.gov.au)**

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## **1 ACKNOWLEDGEMENT OF COUNTRY**

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, and present.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

## **2 RECORDING AND LIVESTREAMING OF THIS COMMITTEE MEETING**

This meeting is being recorded and streamed live on the internet, in accordance with Council's 'Live Streaming and Publishing Recordings of Meetings' policy, which can be viewed on Council's website.

## **3 PRESENT**

## **4 APOLOGIES**

## **5 CONFLICTS OF INTEREST**

## **6 PURPOSE OF PLANNING DELEGATED COMMITTEE**

Council established the Planning Delegated Committee to provide a regular forum for hearing from people who have made a submission to Council or who are an applicant or objector in relation to a planning permit application.

The Committee is authorised to determine statutory planning applications and Planning Scheme amendments only in relation to the Planning and Environment Act 1987. Its purpose is to hear from applicants/land owners and objectors/submitters on statutory and strategic planning matters, planning applications and to determine other planning matters.

## **7 ADOPTION OF MINUTES**

### **Recommendation**

**That the Committee confirm the minutes of the Planning Delegated Committee of Macedon Ranges Shire Council held on 10 May 2023, as circulated.**

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## 8 REPORTS

<b>8.1</b>	<b>PLN/2022/461 - LOT 1 GRADYS LANE</b>
<b>Application Details:</b>	Use and development of the land for a dwelling, development of two (2) outbuildings (studio and storage shed), two (2) rainwater tanks (125,000 litres each), one (1) agricultural building and use of the land for horse husbandry (two (2) horses)
<b>Officer:</b>	Awais Sadiq, Coordinator Statutory Planning
<b>Council Plan relationship:</b>	3. Improve the built environment
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Conditions for Notice of Decision <a href="#">↓</a></li> <li>2. Assessment of Statement of Planning Policy <a href="#">↓</a></li> <li>3. Plans <a href="#">↓</a></li> <li>4. Land Management Plan (under separate cover)</li> <li>5. Land Capability Assessment <a href="#">↓</a></li> </ol>
<b>Triggers for a planning permit</b>	<p>Rural Conservation Zone (Schedule 1) – Use and Development of the Land for a Dwelling</p> <p>Environmental Significance Overlay (Schedule 5) - Buildings and works associated with the dwelling not connected to reticulated sewerage</p> <p>Significant Landscape Overlay (Schedule 1) – Buildings and works</p> <p>Bushfire Management Overlay – Buildings and works associated with dwelling</p>
<b>Zones and Overlays</b>	<p>Rural Conservation Zone (Schedule 1)</p> <p>Environmental Significance Overlay (Schedule 5)</p> <p>Vegetation Protection Overlay (Schedule 9)</p> <p>Significant Landscape Overlay (Schedule 1)</p> <p>Bushfire Management Overlay</p>
<b>No. of objectors</b>	8
<b>Trigger for report to the Committee</b>	Councillor Call-in
<b>Key Considerations</b>	Impact on landscape and water supply catchment area; risk of bushfire; protection and enhancement of the conservation values of the land; and matters raised by objectors.
<b>Conclusion</b>	Notice of Decision to Grant a Permit subject to conditions
<b>Date of receipt of application:</b>	8 November 2022

**Recommendation**

**That the Committee support the Planning Permit Application PLN/2022/461 and a Notice of Decision to Grant a Permit be issued for the use and development of the land for a dwelling, development of two (2) outbuildings (studio and storage shed), two (2) rainwater tanks (125,000 litres each), one (1) agricultural building and use of the land for horse husbandry (two (2) horses) at LOT 1, TP681509, P/Kerrie Gradys Lane, Kerrie subject to the conditions outlined in Attachment 1.**



## Summary

The application proposes the use and development of the land for a dwelling, development of two outbuildings (studio and storage shed), two (2) rainwater tanks (125,000 litres each), one (1) agricultural building and use of the land for horse husbandry (two (2) horses).

Key issues to be considered relate to the appropriateness of the proposal on this site in relation to the Kerrie Valley and its surrounds, purpose and decision guidelines of the zone, the capacity of the site to accommodate wastewater and any impacts on the water catchment and bushfire risk.

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 a planning permit issue subject to conditions.

## Existing conditions and relevant history

### Subject land

The subject site is located on the north-east side of the Gradys Lane. It is irregular in shape, having an overall area of approximately 15.375 Hectares. There is an existing shed located in the southern corner of the site, which is currently in a state of disrepair. Power lines run through the site, although not recognised on the Title by an easement.

The site is split into two distinct areas, with dense, undisturbed forest location in the north-western section of the land, and a cleared, sloping grassed area populated with scattered trees occupying the south-east portion of the land.

Access into the site is provided approximately 240m from the southern boundary. There are not formed driveways on the site.

### Surrounds

Surrounding area is of mixed character, with a number of rural-residential dwellings populating the landscape and have been an established feature of the landscape for a number of years. The landscape character of the area is varied, with a mixture of undisturbed forests, scattered trees, landscaped vegetation and the carrying out of agricultural production. Dwellings are sited where possible to take advantage of more forgiving topography, although the landscape is undulating in nature and flat land is a rarity in this setting. There are a number of waterways that populate the landscape, feeding into a local creek located a minimum of 500m from the subject site.

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

The title provided with the application shows that the land is not encumbered by any registered restrictive covenants or Section 173 Agreements.

### Previous planning permit history

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

Permit No.	Description
PLN/2020/52	Use and development of a dwelling and associated works (Application Withdrawn)

## Proposal

The application seeks approval for the use and development of the land for a dwelling, development of two outbuildings (studio and storage shed), two rainwater tanks and one agricultural shed. The proposal also seeks to use the land for horse husbandry.

The dwelling will comprise three bedrooms, will be single-storey in form and includes small scale earthworks. The dwelling will be setback 128.27m from the south-eastern boundary and 131.34m from the northern boundary.

The habitable outbuilding (studio) will be located approximately 27m south of the proposed dwelling, and will be single-storey in form. It will include studio space, store and a bathroom. It will be 10.8m long and 6.2m wide with an overall height of 4.6m. It will have a setback of approximately 101m from Gradys Lane. Building materials for both the dwelling and studio will be dark colour colorbond and stone.

The second outbuilding (storage shed) will be 12m long and 6m wide with an overall height of 4.03m. It will comprise three roller doors along the front elevation. It will be used for storage in association with the dwelling and as a workshop. It will be made from colorbond in "Monument" colour. The outbuilding will replace the existing derelict shed in the southern corner of the land, approximately 100m away from the dwelling site

The agricultural shed will have a length of 16m and width of 6m to be located approximately 15m to the west of the dwelling. It will have a height of 3.53m comprising three open bays and a roller door along front elevation. It will be made from colorbond in "Monument" colour. Two water tanks each having a capacity of 125,000 litres will be installed to capture the rainwater. Both tanks will be located adjacent to each other to the north of the dwelling, having a setback of approximately 70m from the rear boundary.

It is proposed to keep two horses on the land in addition to land management practices on the land. The horses will be kept in paddocks along the south-eastern and north-eastern boundaries of the site, in areas of cleared land. The proposal does not seek the removal of any native vegetation from the land.

### **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
12.01	Biodiversity
12.03	Water bodies and wetlands
12.05	Significant Environments and Landscapes
13.02	Bushfire
14	Natural Resource Management
15.01-6S	Design for rural areas
16.01-3S	Rural Residential Development

#### Local Planning Policy Framework

Clause no.	Clause name
21	Municipal Strategic Statement

21.03	Vision – Strategic Framework Plan
21.04	Settlement
21.05	Environment and Landscape Values
21.06-3	Bushfire
21.07	Natural Resource Management
21.09-2	Rural Residential
21.13	Local areas and small settlements

Zoning

Clause no.	Clause name
35.06	Rural Conservation Zone Schedule 1

Overlay

Clause no.	Clause name
42.01	Environmental Significance Overlay Schedule 5: Other Catchments
42.02	Vegetation Protection Overlay Schedule 9: Living Forest
42.03	Significant Landscape Overlay Schedule 1: Mountain Ranges and Features
44.06	Bushfire Management Overlay

Particular provisions

Clause no.	Clause name
51.07	Macedon Ranges Statement of Planning Policy
53.02	Bushfire Planning

General provisions

Clause no.	Clause name
65	Decision Guidelines
66	Referral and Notice Provisions

**Cultural Heritage Management Plan assessment**

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	No
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

	Assessment criteria	Assessment response
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
Greater Western Water	No objection subject to conditions.
Southern Rural Water	No response has been received.
CFA	No objection subject conditions.

Authority (Section 52)	Response
MRSC Engineering Unit	No objection subject to conditions.
MRSC Environment Unit	No objection subject to conditions.
MRSC Health Unit	No objection subject to conditions.

#### Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised via a sign on site facing Gradys Lane for a period of 14 days. Notice letters were sent via registered mail to owner/occupiers of surrounding properties. Eight (8) objections were received. Following are the concerns raised by the objectors:

- Legibility of advertised documents;
- Impact of earthworks associated with the proposed buildings;
- Not in keeping with the rural setting;
- Contrary to the objectives of the Zone;
- Unable to enhance the land and improve the water catchment;
- In consistent information;
- Western Water does not exist anymore;
- Not suitable land for the keeping of horses due to topography constraints;
- Siting a building under power lines is inappropriate;
- Construction of a post and rail fence will allow native wildlife into the property;
- Close proximity of the land to the town;
- Overlooking to nearby properties;
- Devaluation of properties;

- Impact on Kerrie viewscape;
- Setting the precedence;
- Bushfire risk;
- Use of the studio for commercial purposes;
- Not accurate details in relation to vegetation removal;
- Stormwater runoff impacts;
- Illegal filling works to remove waterways from the land;
- Referral to EPA;
- Intention to run an office to be located in a commercial area;
- Bushfire Management Plan not satisfactory;
- Impact of sprawl of development;
- Septic system having detrimental impacts to the water catchment;
- Land not suitable for agricultural purposes;
- Dwelling to be used as short-stay accommodation;
- Contrary to the objectives of the PPF and LPPF;
- Inappropriate density of development within the Gradys Lane area;
- No net community benefit;
- 40 hectares minimum lot for subdivision under the zone; and
- Fragmentation of agricultural land.

### **Officer assessment**

#### Planning Policy Framework and Local Planning Policy Framework

The relevant provisions of the policy frameworks are associated with bushfire, significant landscapes, water quality and biodiversity and vegetation. Planning policy 11.03-3S aims for “*growth in peri-urban areas to protect and enhance their identified valued attributes*”, which includes provision of development in established settlements that have capacity for growth having regard to complex ecosystems and landscapes of attractiveness.

The proposal will be able to ensure the protection and enhancement of important natural features. It will not result in an unreasonable impact upon landscape values and natural features of this area. It will be able to add to the attractiveness of the area and will blend in within the environment as darker and muted tone colours have been proposed.

Clause 12 of the PPF ‘*seeks to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.*’ In this instance the proposal will result in an outcome which improves the site from a biodiversity and native vegetation management perspective through the implementation of a land management plan. No vegetation removal has been proposed as part of the permit.

Clause 12.05 seeks to protect significant landscapes. It is policy to protect and conserve environmentally sensitive areas, and landscapes which contribute to character, identity and sustainable environments.

The design response of the proposal is reasonable to the area with no vegetation removal. The development is considered to be consistent with the landscape significance of the area. The colours and materials will be sympathetic to the area. The development will be reasonably screened from Gradys Lane and proposed revegetation along the rear and eastern boundary will further minimise any significant impacts upon the landscape.

Clause 13.02-1S aims *“to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life”* and includes strategies relating to protection of human life, areas of biodiversity conservation value and bushfire hazard identification and assessment. Clause 21.06-3 Bushfire outlines strategies and objectives relating to prioritising fire risk in planning decisions, avoid increasing bushfire risk and minimise exposure of people to bushfire risk, siting and designing development to minimise risk from bushfire.

Clause 14 seeks for the protection of agricultural land and conservation and wise use of natural resources including water to support both environmental quality and sustainable development. It also seeks to ensure that agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.

Clauses 14.02-1S (Catchment planning and management) and 14.02-2S (Water quality) aims to protect catchments and water quality. Control of sediment as well as the establishment of vegetation within these areas are promoted by these policies. Clause 21.07-3 (Water) aims *“to retain and improve water quality and yield in the Special Water Supply Catchments, waterways and groundwater”*

Clause 15.01-6S (Design for rural areas) aims to ensure that development respects the rural character, protects valued rural landscapes in sensitive tourist areas by ensuring that new development is sympathetically located, and minimises visual impacts to surrounding natural scenery and landscape features.

Clause 16.01-3S outlines the need to identify land suitable for rural residential development. The policy seeks to achieve this by:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.*
- *Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.*
- *Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:*
  - *Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.*
  - *Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.*
  - *Minimising or avoiding property servicing costs carried by local and state governments.*
  - *Maintaining an adequate buffer distance between rural residential development and intensive animal husbandry.*

- *Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.*
- *Discourage development of small lots in rural zones for residential use or other incompatible uses*
- *The land use vision outlined within clause 21.03-2 of the Local Planning Policy Framework states that development and land use planning will be guided by following vision:*
- *The Shire remains predominantly rural, with a hierarchy of settlements set in an attractive and productive rural environment.*
- *Protection of water quality, especially potable water supply, is fundamental. Land use and development, particularly un-serviced development in open water supply catchments, is minimised and managed to ensure water quality is not compromised.*
- *Native vegetation is retained and enhanced, balanced with fire protection considerations. Native vegetation is vital for the environmental health of the Shire and is a significant component of the Shire's character.*
- *Development complements the nature and character of the rural landscapes of the Shire. Landscapes, in particular the landscapes around Mount Macedon and Woodend, are highly valued by residents and visitors and facilitate tourism which plays a key economic role in the Shire.*

The vision is supported by specific policy objectives which aim:

- *Living Forests: Enhance the significant and sensitive environmental assets - including Mount Macedon, forested areas around Woodend, the Cobaw Ranges and special water supply catchments. Limit residential development on existing lots where positive environmental outcomes are achieved and existing vegetation will not be compromised by requirements for dwelling sites, fire protection buffers and other associated infrastructure.*
- *Southern Catchments: Protect water quality and quantity, agricultural productivity in the northern catchment and encourage rural residential only in the more fragmented southern catchment where detailed land capability studies demonstrate there is no negative impact on water quality or agricultural uses. (Clause 21.03-3).*
- *To conserve the biodiversity values of the Shire by protecting, enhancing, managing and restoring indigenous vegetation and fauna habitat (Clause 21.05-1 – Objective 1).*
- *To maintain and enhance the existing rural landscapes (Clause 21.05-2 – Objective 1).*
- *To maintain and enhance the ranges, major hills and ridges as significant visual backdrops to the Shire (Clause 21.05-2 – Objective 4).*
- *To preserve significant exotic and native vegetation as a fundamental component of the Shire's character and landscape (Clause 21.05-2 – Objective 7).*
- *To prioritise fire risk in planning decisions, avoid increasing bushfire risk and minimise exposure of people to bushfire risk (Clause 21.06-3 – Objective 1).*
- *To ensure that where development opportunities already exist, development in rural areas and on the fringes of urban areas is sited and designed to minimise risk from bushfire (Clause 21.06-3 – Objective 2).*

- *To protect agricultural land. (21.07-1 – Objective 1)*
- *To protect the quality soils of land with high capability for agriculture. (21.07-1 – Objective 3)*
- *To maximise benefit from high value agriculture. (21.07-1 – Objective 4)*
- *To encourage the development of alternative agricultural activities in appropriate parts of the Shire. (21.07-1 – Objective 5)*
- *To ensure land in rural areas is managed in a sustainable manner to improve the condition of the environment (Clause 21.07-2 – Objective 1).*
- *To retain and improve water quality and yield in the Special Water Supply Catchments, waterways and groundwater (Clause 21.07-3 – Objective 1).*

Clause 21.09-2 seeks to ensure rural residential development is sustainable and gives priority to the environment and landscape. The applicable strategies include ensuring residential development on existing lots protects and enhances the existing forest mosaic within the Living forest area identified on the Rural Framework Plan at Clause 21.03-3. It also highlights that the Rural Conservation Zone is applied in areas of high conservation value to encourage use and development of the land that is consistent with sustainable land management practices.

The proposal is consistent with the Planning Policy Framework and Local Planning Policy Framework. The proposal involves no native vegetation removal and has been designed to retain, protect and enhance existing native vegetation on the site via the implementation of Land Management Plan.

The proposal includes bushfire risk mitigation by its design and construction as well as defensible space, water storage and access in accordance with a Bushfire Management Plan. Detrimental impacts to the proclaimed water catchment will be avoided by adequate onsite effluent disposal as well as by environmental improvements within the site. The development has been designed and sited to obscure its visual presence against the vegetated backdrop and within the wider rural landscape in accordance with its Significant Landscape location.

The protection of agricultural land principles are particularly strengthened via Clause 21.07 (Natural Resource Management), which form the primary local policy reference in relation to development of rural areas within the Macedon Ranges Shire. The Planning and Local Planning Policy Frameworks seek to support and enhance environmental values and sustainable agriculture by ensuring that future development (particularly residential) does not result in degradation of environment or the permanent removal or confining sustainable agricultural operations in the shire.

The proposal involves a small-scale agricultural use, which will achieve the purpose in relation to the protection of agricultural land. Almost half of the land comprises significant amount of native vegetation and therefore cannot be used for agriculture. The implementation of land management plan will not only result in the protection of existing vegetation (conservation zone) but will also seek to introduce a small scale agricultural use to meet policies in relation to the protection of agricultural land.

Given the size of the lot and lack of opportunities for consolidation, the proposal including small-scale agricultural use and conservation will serve to encourage the sustainable management of the land. The development of the subject site will be consistent with the planning policy in relation to rural and regional development. The surrounding area is rural with high environmental values in addition to some agricultural operations. It is considered



that the proposal would not undermine the environmental values and detrimentally impact the current and future use of the surrounding area for agriculture.

#### Rural Conservation Zone (Schedule 1)

The application site is located within the Rural Conservation Zone Schedule 1. The purpose of this zone, as outlined in the planning scheme, includes the conservation of native vegetation, water quality, flora and fauna and significant landscape values and to achieve sustainable agricultural practice. The planning scheme specifies a number of matters for consideration by the Council in making decisions on planning permits in this zone in Clause 35.06-6.

For a dwelling to be supported on land in this zone, the proposal must accord with the primary purpose of the zone being to ensure the protection and enhancement of environmental values of the land, as well as other matters outlined in the decision guidelines for this zone including rural, environmental, dwelling, and design and siting issues.

The subject land is relatively small in context of the standard 40 hectare minimum subdivision lot size within the Rural Conservation Zone provisions; but at 15.37 hectares in area the land is generally consistent with the dimensions of surrounding properties, the majority of which have been previously developed for residential uses.

The site constraints; areas subject to native vegetation; water catchment boundaries; and, overhead power lines, limit the potential development area to the cleared area in the south east section of the site to avoid detrimental environmental impacts. The development of this area of the site would avoid removal of vegetation including any requirements for vegetation management required under the Bushfire Management Overlay applying to the site. As discussed below, the proposal would avoid detrimental impacts to the proclaimed water catchment within which the site is located by the provision of adequate onsite effluent disposal.

The applicant has submitted a land management plan that provides recommendations for ongoing environmental management of the land including; revegetation; conservation of existing vegetation; and weed and pest control. A permit condition would require the land owner to enter into a Section 173 Agreement requiring ongoing compliance with the land management plan to ensure ongoing protection and enhancement of the conservation values of the land. The residential occupation of the land would facilitate environmental management that may not otherwise be achieved.

The siting, design and built form of the proposed dwelling with two associated outbuildings is considered acceptable and not seen to be as visually intrusive to neighbouring properties, scenic views and the landscape character of the locality.

The single storey height of the dwelling and use of muted, non-reflective building materials and finishes would act to minimise the visual impact to surrounding properties.

Proposed revegetation comprising indigenous native species would provide screening for the development in the broader landscape. An additional provision will also be added under the 173 Agreement to ensure that the dwelling approved under the permit is the only dwelling on the land and that the studio building must not be used as a separate dwelling. This will give extra mechanism from enforceability perspective.

In a VCAT case *Petersson v Nillumbik SC* [2021] VCAT 696, Member Harty made following comments while approving a dwelling in Rural Conservation Zone on a 1.98 hectares lot where the surrounding area had existing dwellings:

*"I acknowledge that the planning scheme outlines in both the RCZ3 and planning policy framework a strong and consistent theme of discouraging residential development on small*

*lots... However, I also find the planning scheme does not prohibit the use and development of small lots in these same areas for a dwelling where such use can demonstrate that it is not isolated, can achieve an environmental benefit and will not visually stand out as a 'look at me' built form design or dominate the visual landscape or rural character of the area.*

The proposed agricultural use will be of small scale involving two horses, will not impact the conservation values of the land. The paddocks will be located on clear grounds devoid of any vegetation. The agricultural use will contribute towards the management of the conservation values of the land, as the horses will assist in keeping the grass low.

The proposal is suitably compliant with the purpose and provisions of the Rural Conservation Zone. In this instance it is considered that the proposal will serve to improve the operation and maintenance of the site from a conservation perspective. The presence of an infrastructure, and associated land management plan provides an opportunity for improved management of the land.

Clause 42.01 – Environmental Significance Overlay (Schedule 4) and Clause 66.02-5 (Use and Development Referrals)

The land is located within an Environmental Significance Overlay, Schedule 5. The purpose of this overlay includes identifying areas where the development of land may be affected by environmental constraints and ensuring that development is compatible with identified environmental values.

Schedule 5, Other Water Supply Catchments states “*Regional water catchments are located throughout the Shire. The protection of catchments from inappropriate development and the protection of water quality is paramount to the health of the surrounding environment, habitat, vegetation and all urban and rural communities.*”

As the proposal seeks to construct buildings and works associated with accommodation which is not connected to reticulated sewerage, a permit is triggered for the development under this overlay. A referral to the relevant water authorities is required pursuant to Clause 66.02-5.

The applicant has submitted a Land Capability Assessment demonstrating the viability of onsite effluent. The application was referred to Greater Western Water and Southern Rural Water as the relevant water authorities in addition to referral to Council's Health Unit. No concerns in relation to Land Capability Assessment or wastewater were raised by any of the authorities.

The relevant water authorities are the determining bodies in relation to catchment management matters and as outlined above have conditionally consented to the proposal. The proposal is therefore appropriately compliant with the purpose and provisions of the Environmental Significance Overlay.

Clause 42.02 – Vegetation Protection Overlay Schedule 9: Living Forests

The purpose of this overlay includes the preservation of trees and other vegetation; recognition of vegetation protection areas as locations of special significance, natural beauty, interest and importance; and, the maintenance and enhancement of habitat and habitat corridors for indigenous fauna. Furthermore, Schedule 9 to this overlay states its objective is to protect and enhance all remnant native vegetation for its role in biodiversity, natural resource management, and landscape and character.

The location of the proposed development within a cleared area of the subject land avoids any potential removal of vegetation that might otherwise be required for defensible space management in accordance with the requirements of the Bushfire Management Overlay that

also applies to the subject land. This is an appropriate and reasonable outcome, where the building siting results in vegetation protection rather than removal.

#### Clause 42.03 – Significant Landscape Overlay Schedule 1: Mountain Ranges and Features

The purpose of this overlay is to identify, conserve and enhance the character of significant landscapes. The Schedule to this overlay identifies the mountain ranges and features of the Shire, with Mount Macedon being the nearest identified landscape feature. The overlay does not prohibit development, rather provides a tool to manage the visual impact of development within the landscape.

A permit is required under this overlay to construct a building or construct or carry out works. The decision guidelines for applications under this schedule include consideration of the design and siting of development for minimised visual impact, environmental impacts including vegetation and erosion and the need to provide landscape planting for visual screening.

The proposal is relatively modest in its design in relation to the size of the land. The single story form with reasonable pitched roofing and cladding with suitably muted colour tones will provide for visual recessing within this locality.

The topography of the whole site including the cleared area dictates earthworks will be required to enable the construction including driveway extension and water tanks, which given the constraints of the site is considered acceptable.

A permit condition would require the submission of details for the colour finishes for water tanks. Revegetation is indicated along the two boundaries of the site to assist with visual screening and will act as a privacy screening for the adjoining property.

The proposal is appropriately responsive to the purpose and provisions of the Significant Landscape Overlay (SLO1) by ensuring that the proposed development would be visually recessive within this locality as:

- It is not sited on a ridgeline but rather within a treed backdrop;
- No vegetation removal will be required to enable its construction;
- Access will be via an extension to an existing driveway;
- Revegetation along the two boundaries has been proposed.

#### Clause 44.06 - Bushfire Management Overlay (BMO) and Clause 53.02 (Bushfire Planning)

The land is subject to the Bushfire Management Overlay. The purpose of this overlay is to ensure that development of land prioritises the protection of human life and strengthens community resilience to bushfire. An application for a planning permit is triggered under this overlay for buildings and works associated with the use of the land for accommodation.

The application includes a Bushfire Management Plan that meets the requirements of Clause 53.02, providing appropriate bushfire protection for the development with designation of a defendable space area, firefighting water supply (water tanks including a minimum 10,000 litre supply solely for firefighting purposes) and firefighting vehicle access.

The defendable space avoids vegetated areas of the site. The avoidance of vegetation removal for bushfire safety requirements is consistent with other zone and overlay provisions applying to the site which seek to retain and protect vegetation. It is noted that revegetation is outside the designated defendable space area for the development.

The application was referred to the Country Fire Authority as required by Clause 66.03 who responded with no objection to the proposal, subject to standard conditions and ongoing compliance with the endorsed Bushfire Management Plan.

**Response to objections:**

Concern	Response
Legibility of advertised documents and inconsistent information.	The applicant has provided the information as part of the application documentation and has signed the declaration on the application form stating it is true and correct. The information has not been disputed or questioned by the any of the Determining Referral Water Authorities.
Impact of earthworks associated with the proposed buildings.	Minimal earthworks will be required for the proposed development. The earthworks have been assessed as part of the overall proposal and are considered reasonable.
Not in keeping with the rural setting.	Majority of the lots in the area are developed with single dwellings.
Contrary to the objectives of the Zone.	As discussed in the report, the proposal complies with the purpose and decision guidelines of the zone.
Unable to enhance the land and improve the water catchment.	The application was referred to relevant water authorities and no concerns have been raised in relation to water catchment.
Western Water does not exist anymore.	Western Water has merged and is now Greater Western Water. The application was referred to Greater Western Water.
Not suitable land for the keeping of horses due to topography constraints.	Two horses have proposed for the site which is considered reasonable. Paddocks will be located on clear land.
Siting a building under power lines is inappropriate.	The building siting has been assessed as appropriate.
Construction of a post and rail fence will allow native wildlife into the property.	This is encouraged on rural properties to allow passage of wildlife.
Close proximity of the land to the town.	The land is located within close proximity of Riddells Creek however the land management actions proposed require the owners to live on the property.
Overlooking to nearby properties.	The development will be setback reasonably from all boundaries and will not result in any overlooking.
Devaluation of adjoining properties.	Property values are not a relevant planning consideration.
Detriment to the visual amenity of the area and detrimental impact on rural landscape and	The application is required to be assessed under the provisions of the Significant Landscape Overlay and is considered appropriate based on siting, building materials and finishes, vegetation impacts and revegetation.

views. Impact on Kerrie viewscape	
Setting the precedence.	The majority of the lots in the area contain dwellings. Every application on any of the vacant lots in the area has to be assessed on its merit.
Bushfire risk. Bushfire Management Plan not satisfactory.	Based on the assessment of the CFA and subject to the conditions recommended it is considered that the risk to life and property from bushfire can be reduced and managed to an acceptable level.
Use of the studio for commercial purposes.	A condition will be included on the permit that the outbuilding (studio) shall not be used for commercial purposes, and is limited to a home based business.
Not accurate details in relation to vegetation removal.	No vegetation removal has been proposed as part of the application.
Stormwater runoff impacts.	The application was referred to MRSC Engineering and no concerns have been raised in relation to stormwater management.
Illegal filling works to remove waterways from the land.	There are no marked waterways on the property.
Referral to EPA.	There is no statutory referral to EPA.
Intention to run an office to be located in a commercial area.	The scale of the outbuilding (studio) is small and will only be used as a home based business and not as a commercial premise.
Impact of sprawl of development.	All the development will be located on clear ground to avoid the removal of vegetation. Darker and muted tone colours have been proposed which will be consistent with the rural character.
Septic system having detrimental impacts to the water catchment.	Determining referral Authority (Greater Western Water) and MRSC Health Department have raised no concerns in relation to septic system.
Land not suitable for agricultural purposes.	Small-scale agricultural use has been proposed. Land is suitable for such agricultural use as discussed in the report.
Dwelling to be used as short-stay accommodation.	There is no definition in the planning scheme for a short term accommodation. The owners have justified that the dwelling is required to manage the land.
Contrary to the objectives of the PPF and LPPF.	This has been discussed in the report. The proposal in general complies with all the relevant policies within the planning scheme.
Inappropriate density of development within the Gradys Lane area.	The proposal is in accordance with the Rural Framework Plan which seeks to ensure rural residential development is sustainable and gives priority to protection of the environment and landscape.

No net community benefit.	Net community benefit will occur as the owners will be able to live on the property to manage the environmental values of the land and the overall area.
40 hectares minimum lot for subdivision under the zone.	Acknowledged and no subdivision has been proposed. There is no minimum lot size specified under the zone for the use of the land for a dwelling.
Fragmentation of agricultural land.	The land in the area is already fragmented and the applicant has not proposed any subdivision to further fragment the land.
Negative impact on native flora and fauna.	The Land Management Plan which details environmental actions will ensure ongoing improvement to vegetation and soil quality. A permit condition would require the land owner to enter into a Section 173 Agreement requiring ongoing compliance with the land management plan to ensure ongoing protection and enhancement of the conservation values of the land.

**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**

The proposal is suitably responsive to planning scheme policies and provisions relating to settlement, environmental values, landscape, natural resource management, environmental risk and amenity.

The proposal appropriately justifies the need for the development on this site, would not result in unreasonable detriment to the neighbouring properties or the local landscapes and vegetation. As such, it is recommended that the notice of decision to grant a permit be issued.



## Attachment 1 - Conditions

Planning Delegated Committee Meeting – 14 June 2023  
APPLICATION FOR PLANNING PERMIT PLN/2022/461 - USE AND  
DEVELOPMENT OF THE LAND FOR A DWELLING,  
DEVELOPMENT OF TWO (2) OUTBUILDINGS (STUDIO AND  
STORAGE SHED), TWO (2) RAINWATER TANKS (125,000 LITRES  
EACH), ONE (1) AGRICULTURAL BUILDING AND USE OF THE  
LAND FOR HORSE HUSBANDRY (TWO (2) HORSES) – GRADYS  
LANE' KERRIE

- 
1. Prior to the commencement of development, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted and advertised but modified to show:
    - a) Details including colours and construction materials of water tanks;
    - b) Amended Site Plan to show the revegetation screen with the inclusion of understorey species to 'fill out' the screen generally consistent with the plan at Figure 10 of the submitted land management (Revegetation screen to consist of indigenous native species along with their mature height)
    - c) Updated Land Management Plan to reflect the correct location of the development particularly in Figure 2 and Figure 10;
    - d) Updated Land Capability Assessment Report to reflect the correct location of the development;
    - e) Removal of Shower facility from the studio building hereby approved;
    - f) Amended Bushfire Management Plan in accordance with Condition 19 of this permit.
  2. The development and use as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
  3. Before the development commences, the owners of the lot must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:
    - a) All requirements and recommendations of the approved Land Management Plan endorsed as part of Planning Permit PLN/2022/461 must be





implemented on an ongoing basis to the satisfaction of the Responsible Authority.

- b) The dwelling approved under the planning permit PLN/2022/461 must be the only dwelling on the land.
- c) The outbuilding (studio) approved under the planning permit PLN/2022/461 must not be used as a separate “dwelling” as defined in the Macedon Ranges Planning Scheme.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act prior to the commencement of the development. The owners must pay all costs (including Council’s costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

- 4. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the Responsible Authority.
- 5. External lighting sources and their intensity, location and containment, for purposes of safety and security, must be of a type that will not adversely affect the amenity of the neighbouring land or the locality due to unreasonable illuminance, glare or spill, to the satisfaction of the Responsible Authority.
- 6. The two (2) outbuildings (studio and storage shed) and one (1) agricultural building hereby approved hereby permitted must not be used for human habitation, to the satisfaction of the Responsible Authority.
- 7. The two (2) outbuildings (studio and storage shed) and one (1) agricultural building hereby approved shall only be used for purposes incidental to the residential and rural use of the property and shall not be used for any commercial or industrial purposes, to the satisfaction of the Responsible Authority.
- 8. Unless with the prior written consent of the Responsible Authority, before the use commences, the revegetation screen shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.

#### **MRSC Engineering Unit conditions**

- 9. 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
10. Stormwater runoff from the development must be dissipated as normal un-concentrated overland flow clear of property boundaries and buildings on the adjacent properties.
11. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the works to the satisfaction of the Responsible Authority.
12. Prior to the commencement of use, potable water supply with a storage capacity of at least 10,000 litres must be provided to the dwelling for firefighting purposes to the satisfaction of the Responsible Authority.
13. Prior to the commencement of use, the driveway to the dwelling must be constructed to meet the following requirements to the satisfaction of the Responsible Authority:
- a) The driveway, including any waterway crossing, 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 3.5m, be clear of encroachments 4 metres vertically and have no obstructions within 0.5m on either side of the formed width of the driveway.
  - c) Curves must have a minimum inner radius of 10 metres.
  - d) 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.
  - e) Dips must have no more than a 1 in 8 entry and exit angle.
14. Prior to the commencement of use, the existing crossover within Gradys Lane must be upgraded to the satisfaction of the Responsible Authority.

#### **MRSC Environment Unit**

15. Prior to development commencing (including any demolition, excavations, delivery of building/construction materials and/or temporary buildings), a vegetation protection fence must be erected around all vegetation to be within a maximum of 15 metres of the works area. 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 native 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, to the satisfaction of the responsible authority. 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.
16. Unless with the prior written consent of the Responsible Authority, the following actions must not be undertaken in any native vegetation protection fencing, to the satisfaction of the Responsible Authority:
- a) Vehicular or pedestrian access;
  - b) Materials or equipment storage;
  - c) Attachment of any materials to trees (including temporary service wires, nails, screws or any other fixing device);
  - d) Open cut trenching or excavation works (whether or not for laying of services);
  - e) Changes to the soil grade level;
  - f) Construction of entry and exit pits for underground services; or
  - g) Any other actions or activities that may result in adverse impacts to retained vegetation.

#### MRSC Health Unit

17. Prior to the commencement of the use for a dwelling, the dwelling shall be fitted with a package wastewater treatment plant or a system equivalent to the 20/30 standard for BOD and Suspended Solids and disposed of using an EPA-approved system, and distributed by subsurface irrigation utilising the processes of evapotranspiration and deep seepage. The septic tank system shall be of a design approved by Council's Environmental Health Officer and shall be operated, maintained and replaced where necessary to the satisfaction of Council's Environmental Health Officer.

A separate permit must be obtained from Council's Environmental Health Department prior to its installation.

18. The proposed onsite wastewater system must allow for a 'buffer' or 'setback distance' between the system and the surrounding environment, both the treatment system and the associated disposal/recycling system must be installed the required distance away from the site boundary and surrounding waterways.

#### Country Fire Authority

19. Before the development starts, an amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible





**Authority.** The plan must be generally in accordance with the BMP prepared by BAL Assessments (Pages 1 & 2 appended to the BMS (version 6), dated 28 October 2022) but modified to replace the conditions for Defendable space with:

**a) Defendable Space**

Defendable space for a distance of 39 metres around the proposed dwelling and studio must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

20. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

**Greater Western Water**

21. A wastewater treatment system that produces wastewater to a minimum standard of 20/30 (BOD/suspended solids) must be installed to the satisfaction of the Council's Environmental Health Officer and Western Water to treat all sullage and sewage waste on site.
22. Wastewater must be dispersed to the satisfaction of Council's Environmental Health Officer and Greater Western Water using methods that will prevent waste and treated waste from discharging from the property at all times.
23. The effluent system must be maintained by a suitably qualified person in accordance with the manufacturer's specifications and EPA requirements.





24. The wastewater effluent being released from the treatment facility must be monitored annually to ensure compliance with the 20/30 standard.
25. Reports on water quality and maintenance must be submitted to the Responsible Authority at the completion of each maintenance period. This report must be made available to Greater Western Water on request.
26. The Owner shall meet the costs of the inspections and reports referred to in Condition 25.
27. The owner shall carry out such works including replacing effluent treatment, storage pumping and disposal systems within the time specified to do so by the Council's Environmental Health Officer or Greater Western Water to cease and prevent waste and treated waste from discharging from the property.
28. If the wastewater program proves to be unsustainable, the land holder must immediately rectify the sewerage disposal system.
29. The owner must have the wastewater treatment system desludged at least once every three years and evidence of this fact shall be provided in the written report referred to in Condition 25.
30. The effluent disposal field must be protected by being isolated from any building, driveway, livestock, vehicles or permanent recreational area that could render it unavailable in the future and should be planted with suitable grasses that will aid in moisture removal.
31. The wastewater treatment and disposal systems cut off drains and pumping system must be installed in accordance with the Land Capability Assessment prepared by Archaeo- Environments Pty Ltd Rev 2 Dated March 29, 2022 or as amended.
32. All recommendations, actions and timelines contained within the Land Management Plan prepared by Tree Wishes Land Care Advice Project No. 806 Dated: June 2022 or as amended must be followed and implemented to the satisfaction of Greater Western Water and Macedon Ranges Shire Council.
33. Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures.
34. Sediment Pollution Controls shall be employed during construction and maintained until the disturbed areas have been regenerated.
35. Stormwater is to be managed in a way to minimise risk to erosion of the surrounding land. No stormwater should be allowed to move into the effluent disposal field.

**Expiry of Permit – Use and Development**





36. 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.
  - c) The use is not commenced within two years of the completion of the development.

In accordance with Section 69 of the Planning and Environment Act 1987 an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

**Permit Notes**

- Future owners of the land must be made aware of the existence of this permit.



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.	✓			Siting of the development together with existing vegetation and proposed revegetation screening, provides adequate protection of views.
		Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.	✓			No vegetation removal has been proposed.
		Manage development around significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points.	✓			Siting of the development away from ridgelines along with revegetation screening, provides adequate protection of views from surrounding 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.			N/A	
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.	✓			Low impact development combined with a Land Management Plan to be registered on title via a Section 173 Agreement will ensure ongoing land management.
		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.			N/A	
		Establish and improve bio links to connect high value ecological areas, including areas along waterways and areas within and between towns.	✓			The development combined with a Land Management Plan allows for improved land

						management noting there are no waterways on the site.
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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.	✓			Land Management Plan to be registered on title via a Section 173 Agreement to ensure ongoing best practice land management.
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.		✓			
		Protect water quality and natural systems by discouraging development that contributes to the degradation of water quality and quantity.	✓			The submitted Land Capability Assessment and conditional consent provided by the relevant water authority indicate any impacts on water quality and quantity can be managed.
		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.	✓			As above.
		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.	✓			
		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.	✓			The submitted Bushfire Management Plan addresses bushfire risk.
		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 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			N/A	The site is not located within an area of Aboriginal Cultural Sensitivity.

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.			N/A	
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.			N/A	
		Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.			N/A	
6.	To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.		✓			An agricultural use has been proposed for the land which will assist in achieving this objective. The scale of the use is small however it will assist in the management of the land in terms of its conservation values.



		Encourage the use of rural-zoned land for agricultural purposes and encourage the use of high-quality soils for soil-based agriculture.	✓			Complies as discussed above the land will be used for small scale 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).			N/A	
		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.	✓			Complies. The agricultural use will assist in the protection of biodiversity on the land.

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.	✓			The implementation of land management plan will able to assist in achieving this strategy.
		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.				N/A	
		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	

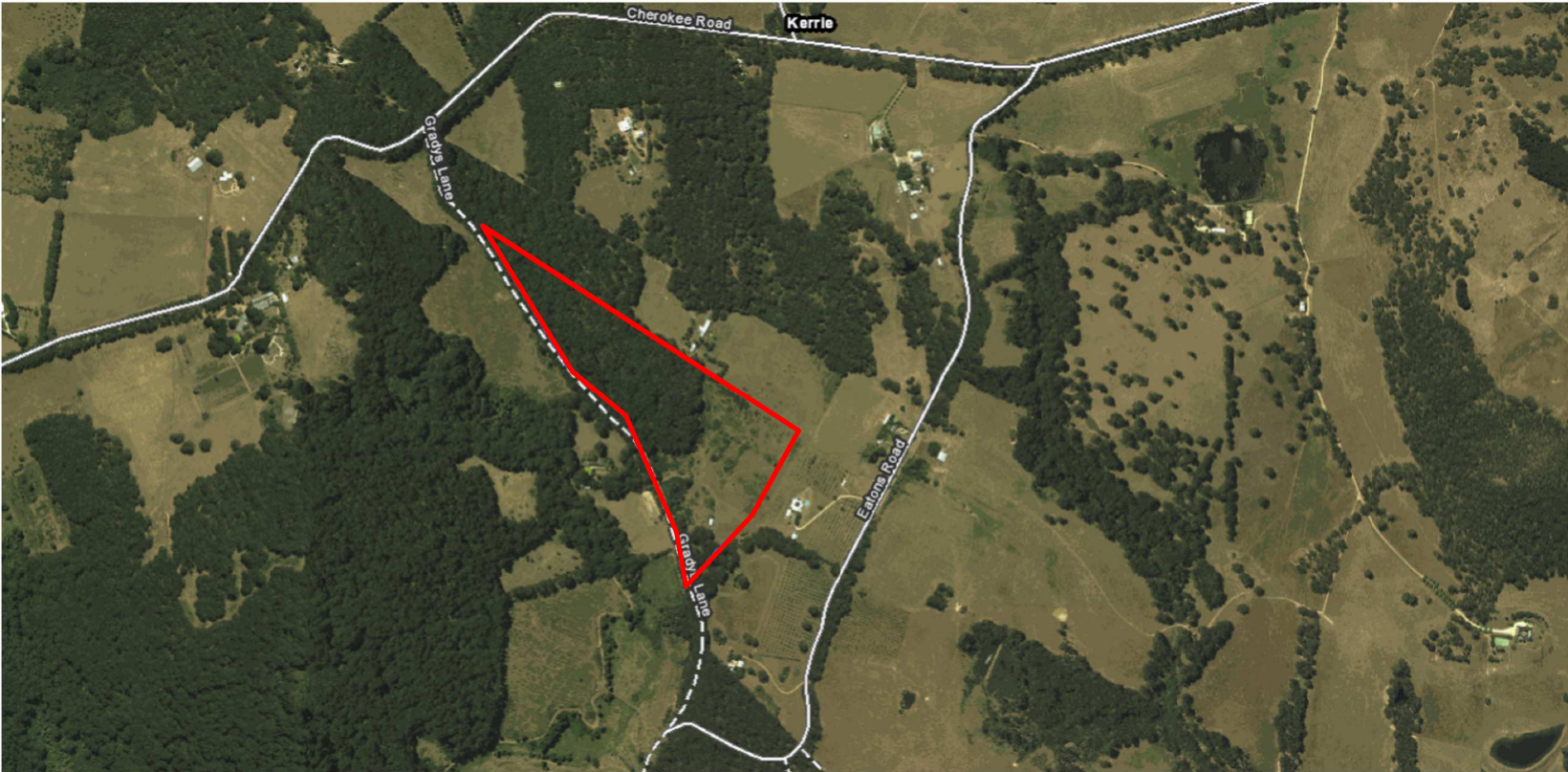
		Ensure the conservation and enhancement of Declared Water Supply Catchment Areas of regional or state significance in the planning of tourism and recreational land uses.			N/A	
		Protect the unique rural character of towns in the declared area.			N/A	
8.	To plan and manage growth of settlements in the 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.			N/A	
		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.			N/A	
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.			N/A	
		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.			N/A	
		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 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.			N/A	
		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.			N/A	
		Maintain view lines of state-significant landscape features from the main road and rail transport corridors.			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
		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.			N/A	
		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.		✓			
		Support community and government planning for disaster preparedness and climate resilience.			N/A	
			✓			

		Manage bushfire risks while also retaining valued biodiversity and landscape character.				The submitted Bushfire Management Plan shows no vegetation removal will be required.
		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.	✓			Land is not subject to inundation

# 1 GRADYS LANE KERRIE



PROJECT DESCRIPTION	
NEW DWELLING AND ASSOCIATED SITE WORKS	
SITE DETAILS	
ADDRESS	1 GRADYS LANE, KERRIE 3434
LOT AND PLAN NUMBER	LOT 1 TP681509
SITE AREA	15.5 ha
LOCAL GOVERNMENT	MACEDON RANGES SHIRE COUNCIL
PLANNING ZONE	URAL CONSERVATION ZONE (RCZ1)
OVERLAYS	BUSHFIRE MANAGEMENT OVERLAY ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO5) SIGNIFICANT LANDSCAPE OVERLAY (SLO1) VEGETATION PROTECTION OVERLAY (VPO9)
SHEET LIST	
TP-00	Project Information
TP-01	Key Plan
TP-02	Site Plan
TP-03	Floor Plan
TP-04	South & West Elevations
TP-05	North & East Elevations
TP-06	Studio Plan
TP-07	Studio Elevations
TP-08	House Cut & Fill Plan
TP-09	Studio Cut & Fill Plan

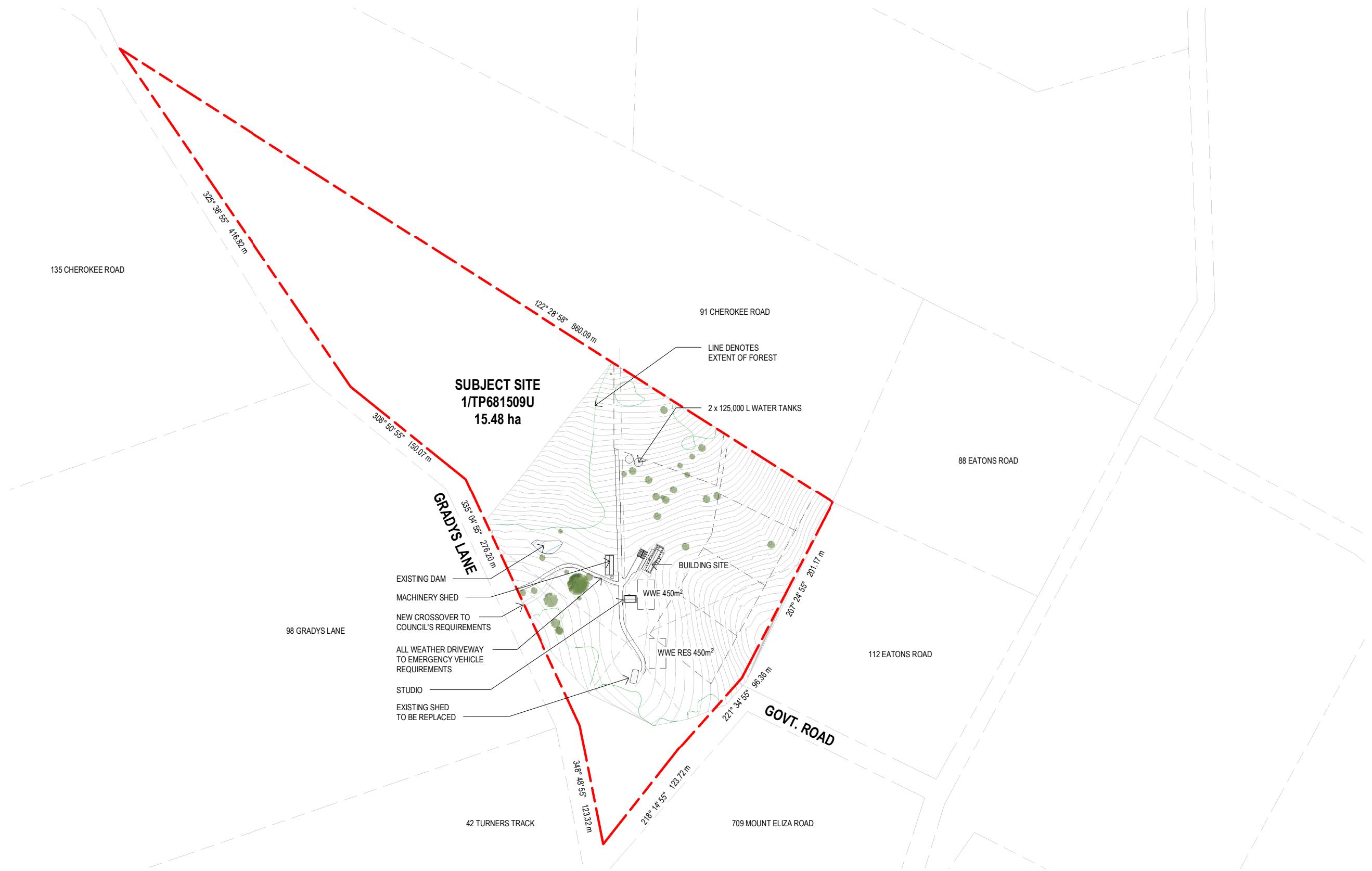


TOWN PLANNING

SOS ARCHITECTS  
20 HAMILTON ST GISBORNE 3437  
SILAS GIBSON 0407 340 113

CLIENT:  
Kerry Arabena & David Harrison  
PROJECT:  
New Residence  
ADDRESS:

SCALE:	DATE:	NORTH:
	21.03.2022	
PROJECT NO:	PHASE:	DRAWING NUMBER: REVISION:
0100	TD	TD 00



Key Plan

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Site Plan



TOWN PLANNING

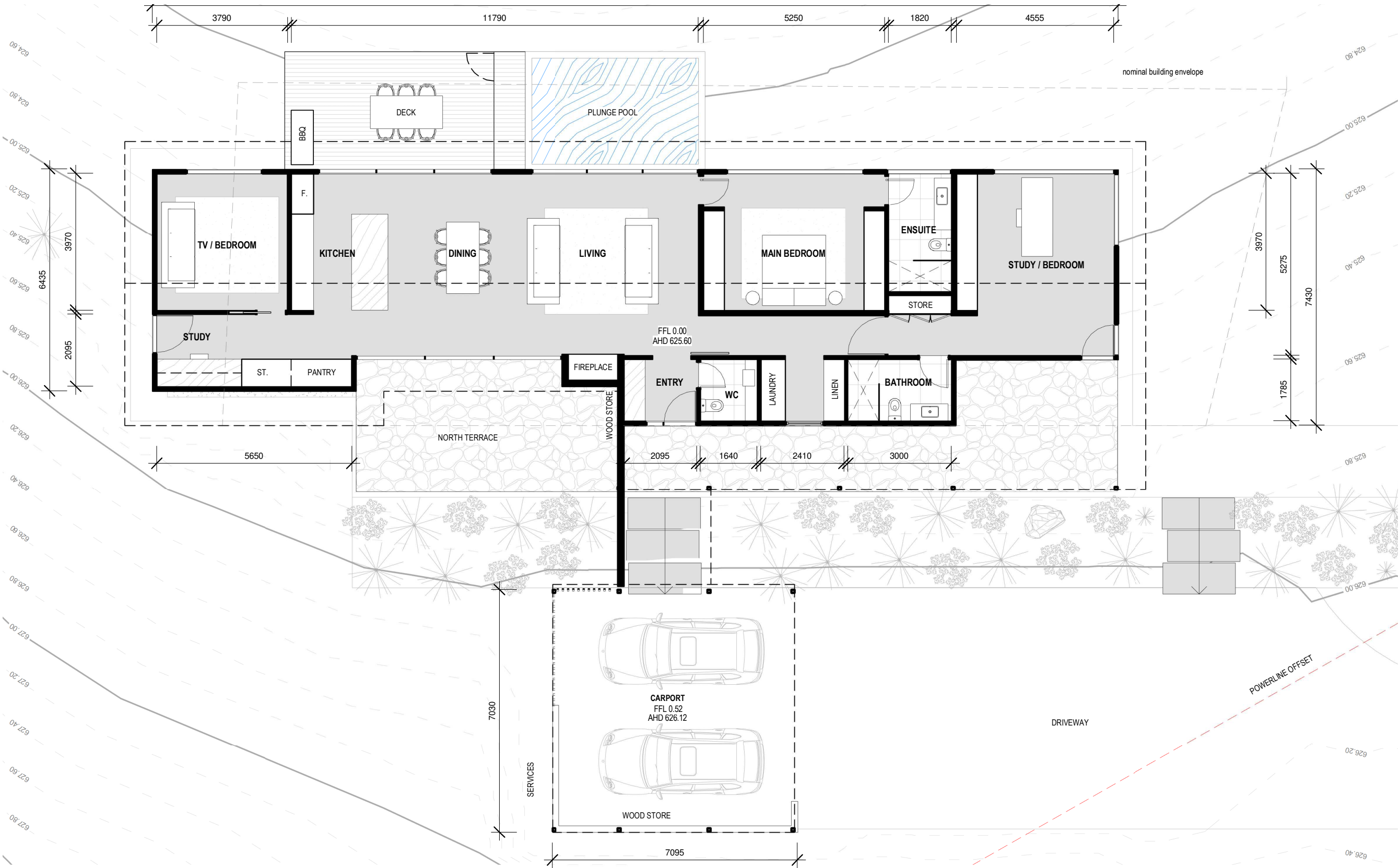
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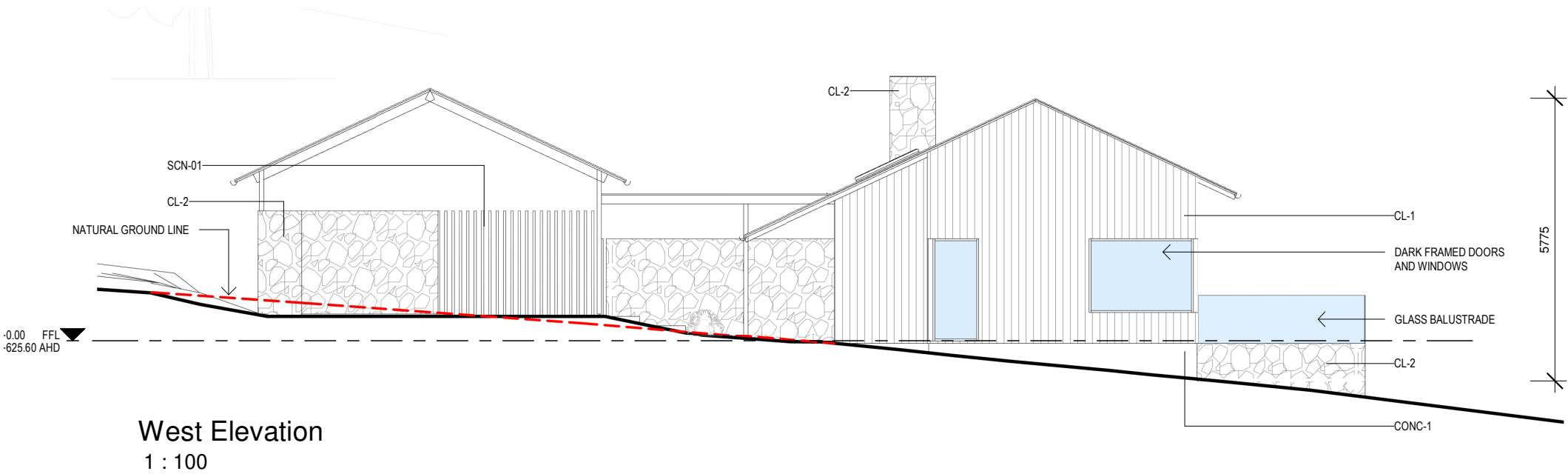
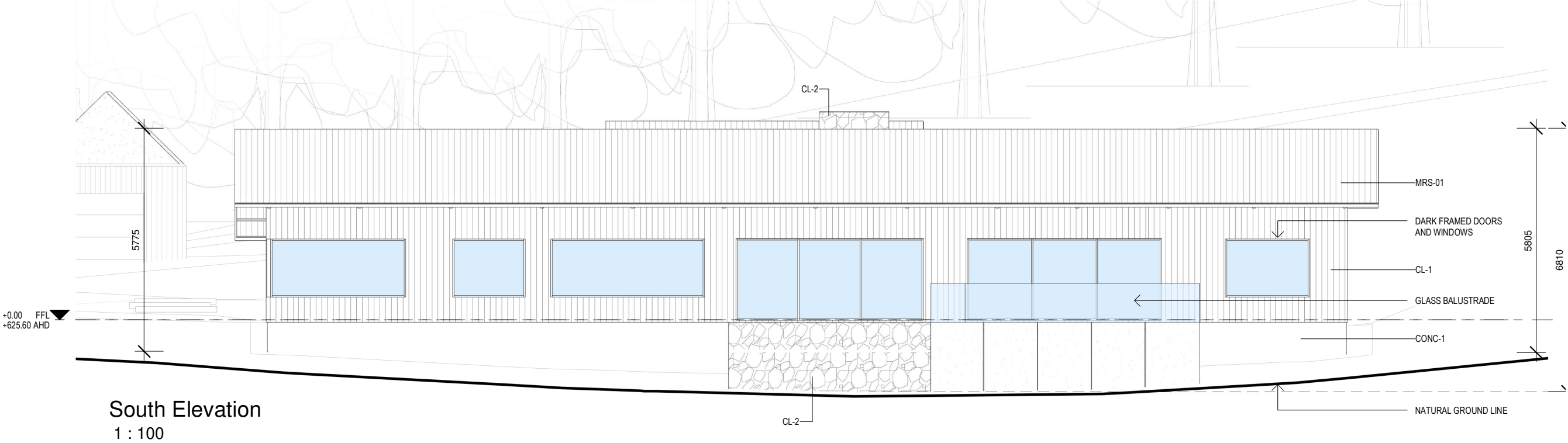
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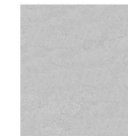










**MATERIALS SCHEDULE:**

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 MRS-1 DARK COLOURED ROOFING AND ROOF PLUMBING	 SCN TIMBER SCREEN	

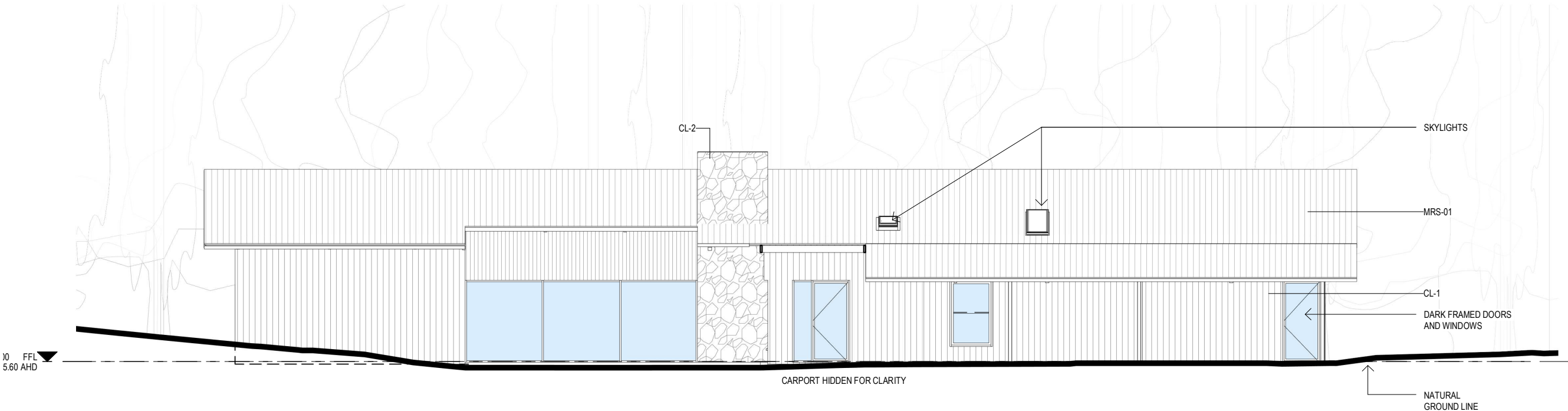
South & West Elevations



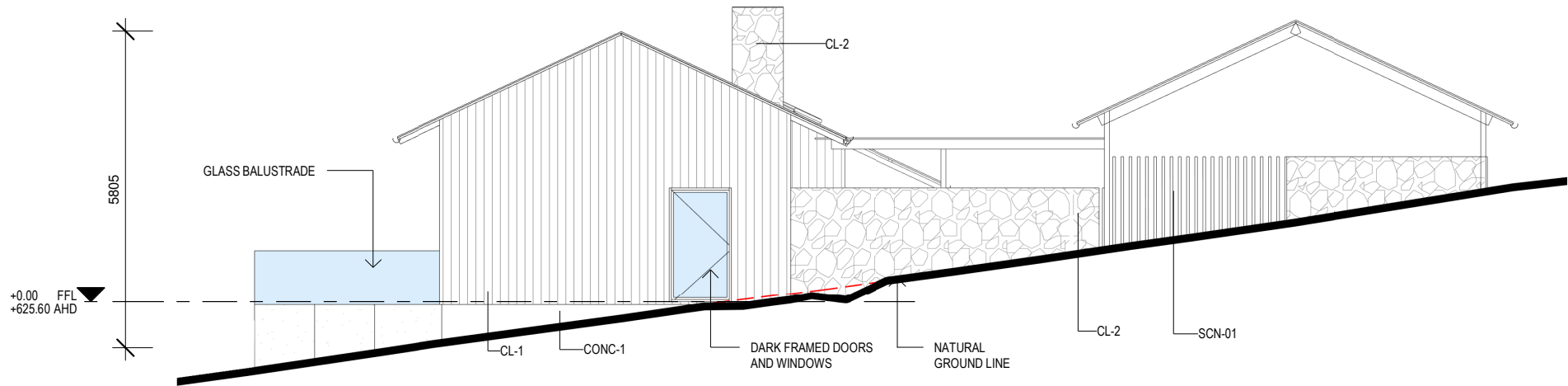
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North Elevation  
1 : 100



East Elevation  
1 : 100

MATERIALS SCHEDULE:

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 MRS-1 DARK COLOURED ROOFING AND ROOF PLUMBING	 SCN TIMBER SCREEN	

North & East Elevations

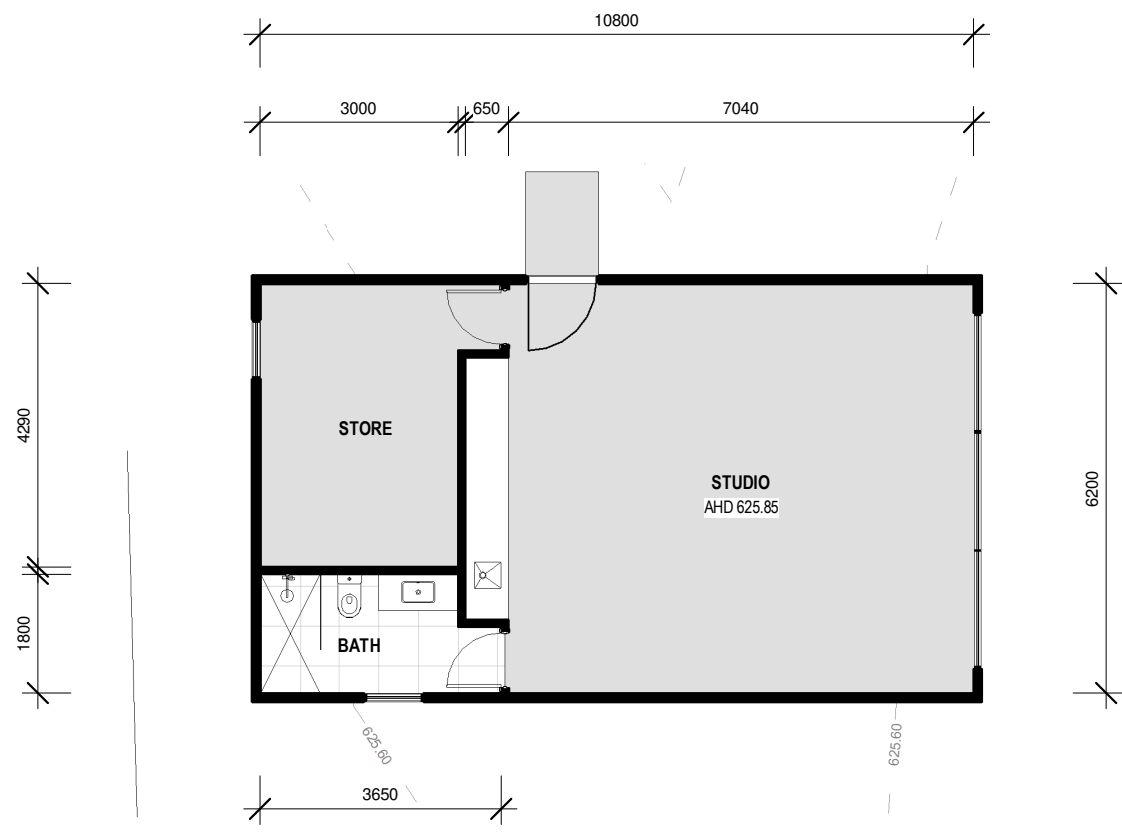


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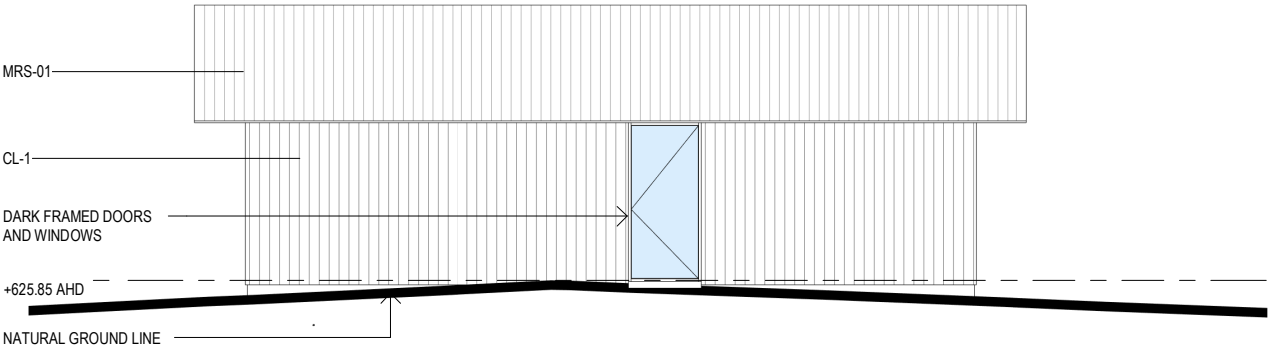
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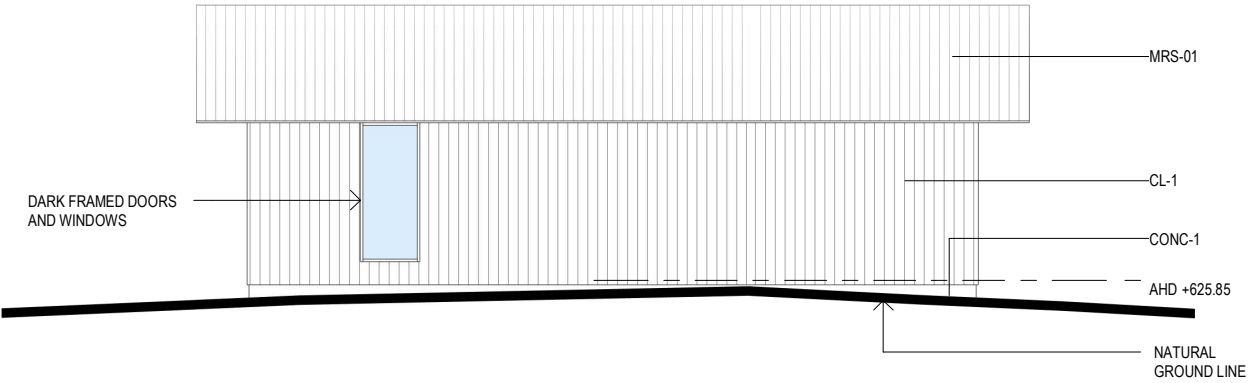
Studio Ground Floor Plan  
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Studio Plan

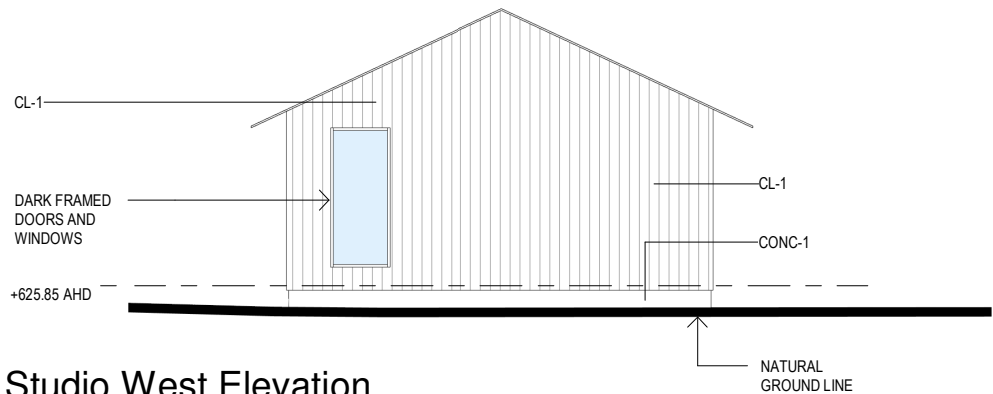
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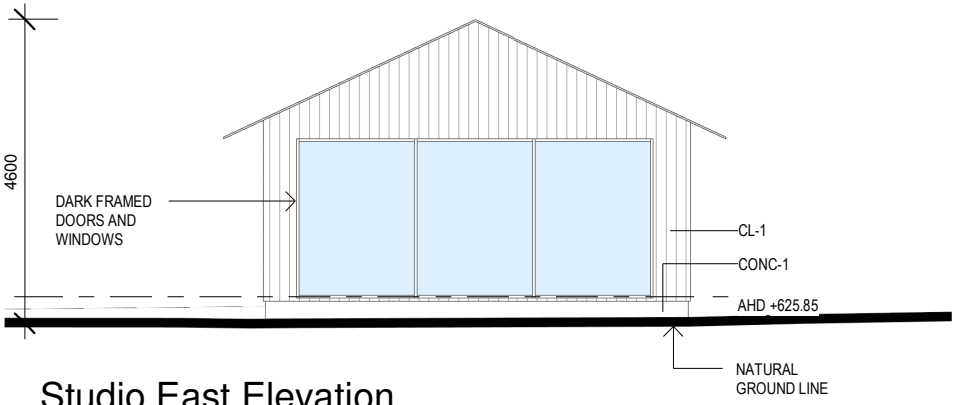
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Studio South Elevation  
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Studio West Elevation  
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Studio East Elevation  
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 MRS-1 DARK COLOURED ROOFING AND ROOF PLUMBING	 SCN TIMBER SCREEN	



SS architects  
sense of space

**TOWN PLANNING**

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Kerry Arabena & David Harrison

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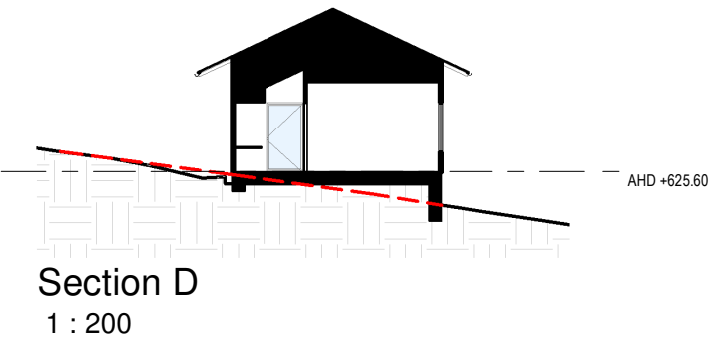
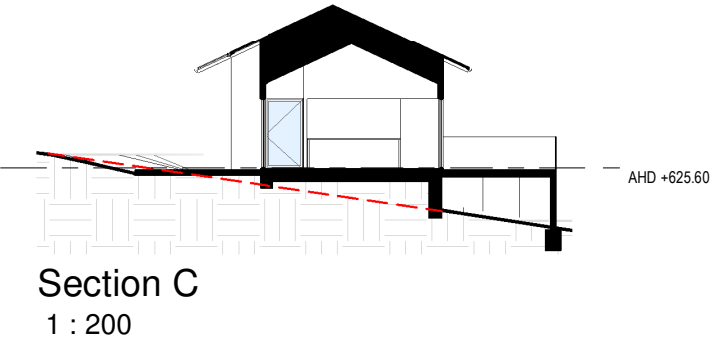
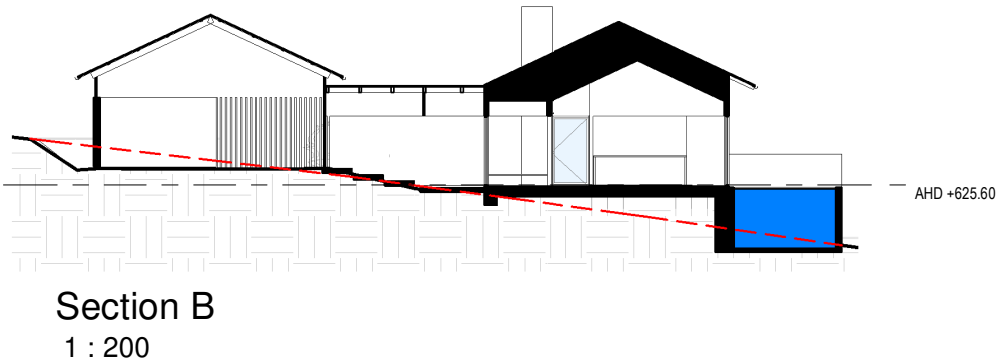
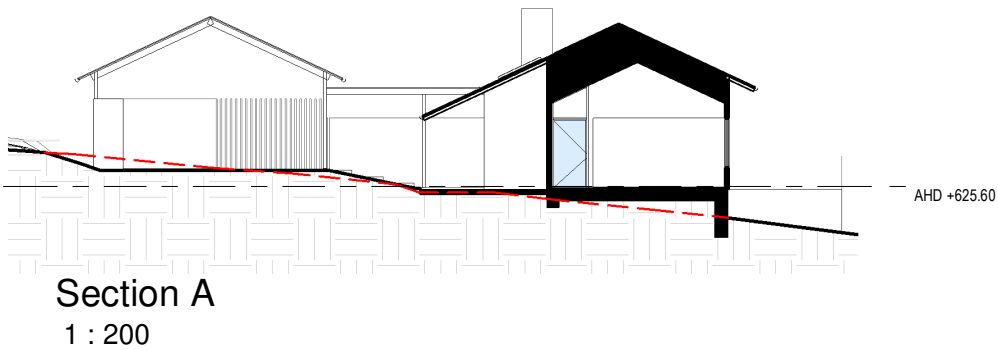
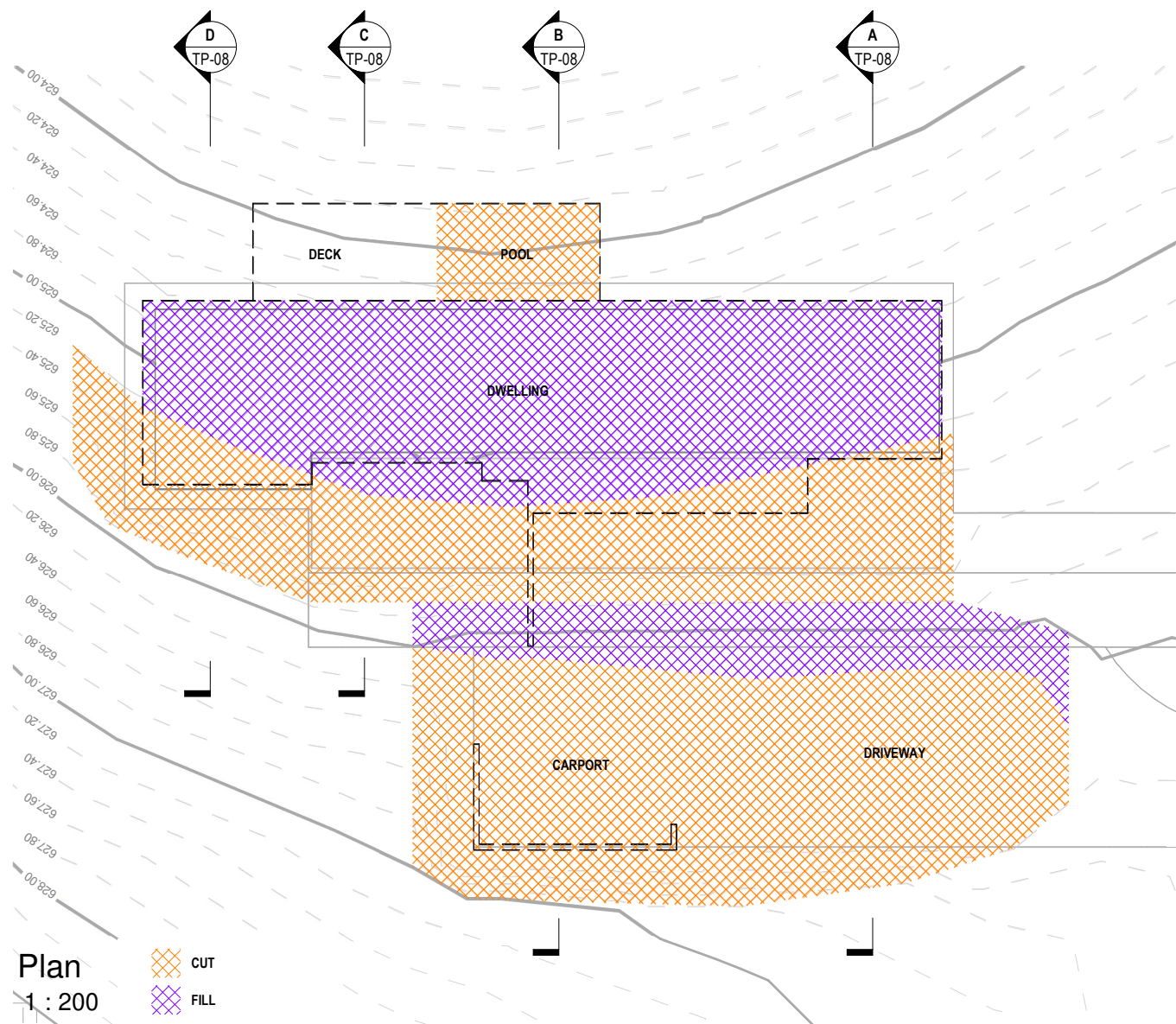
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REVISION:

Studio Elevations



House Cut & Fill Plan



TOWN PLANNING

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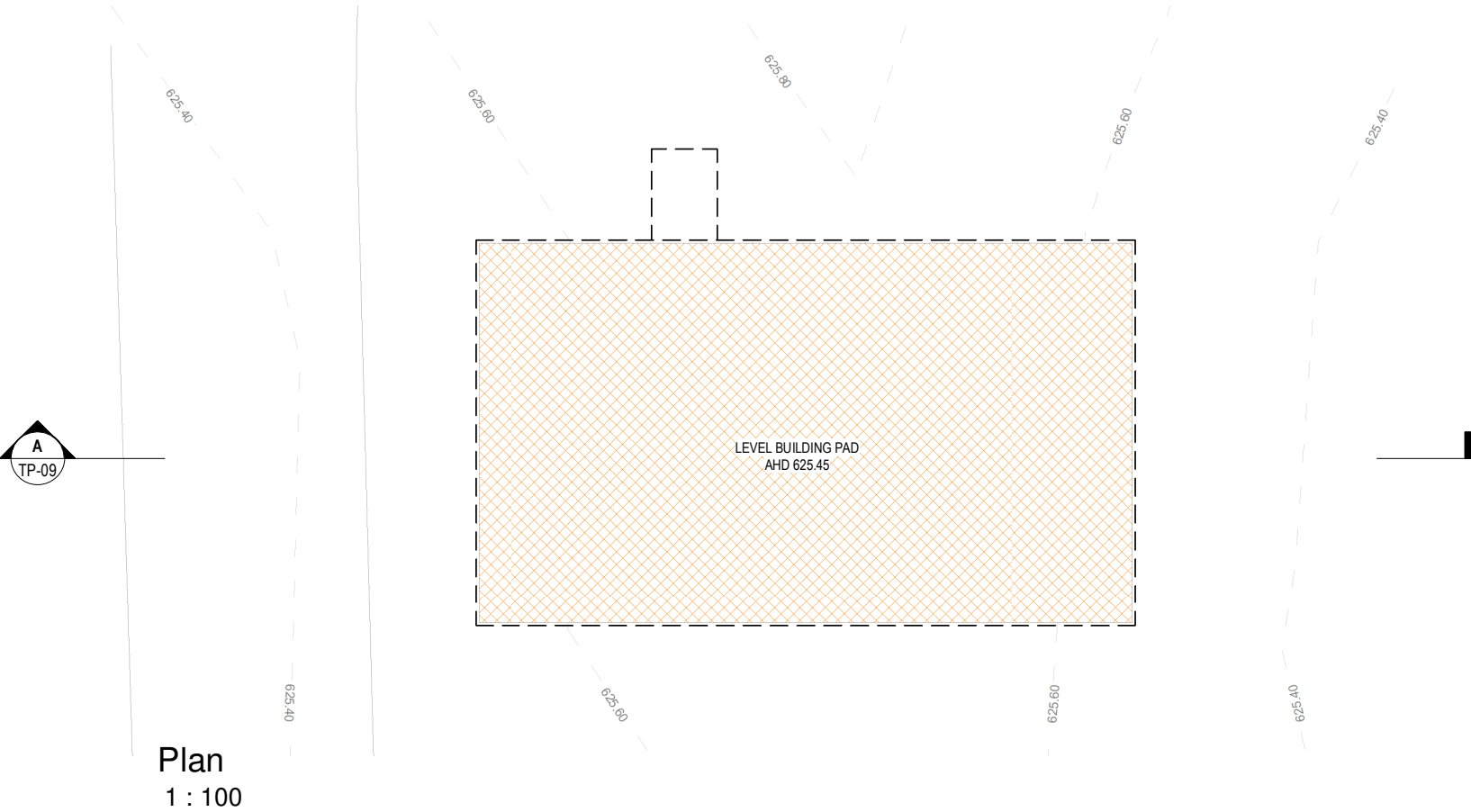
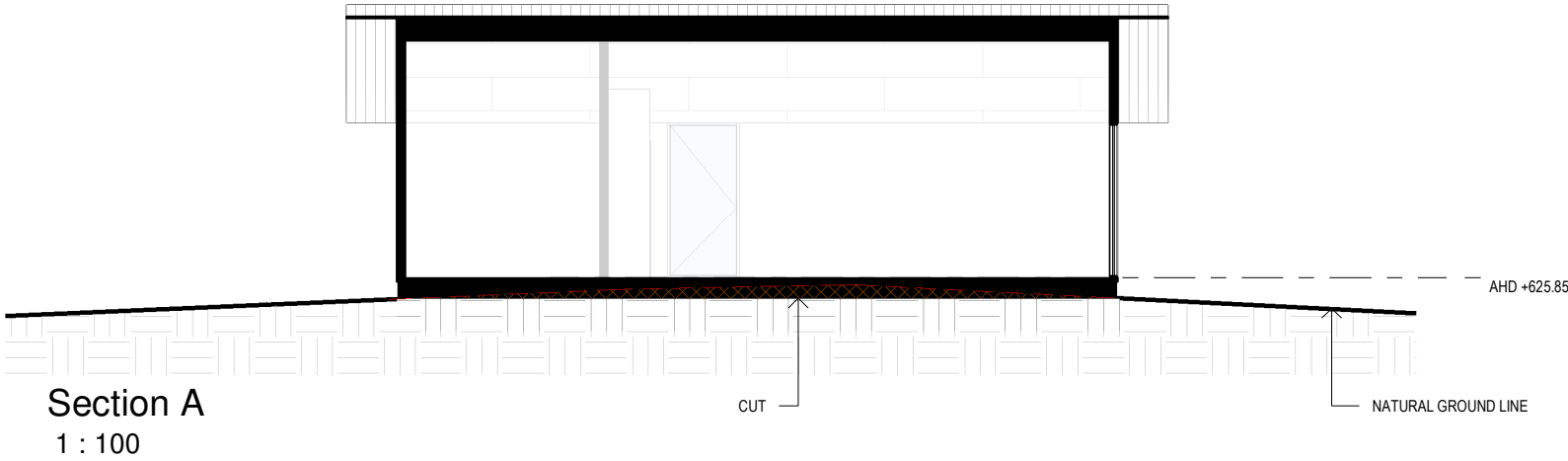
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Kerry Arabena & David Harrison

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Studio Cut & Fill Plan

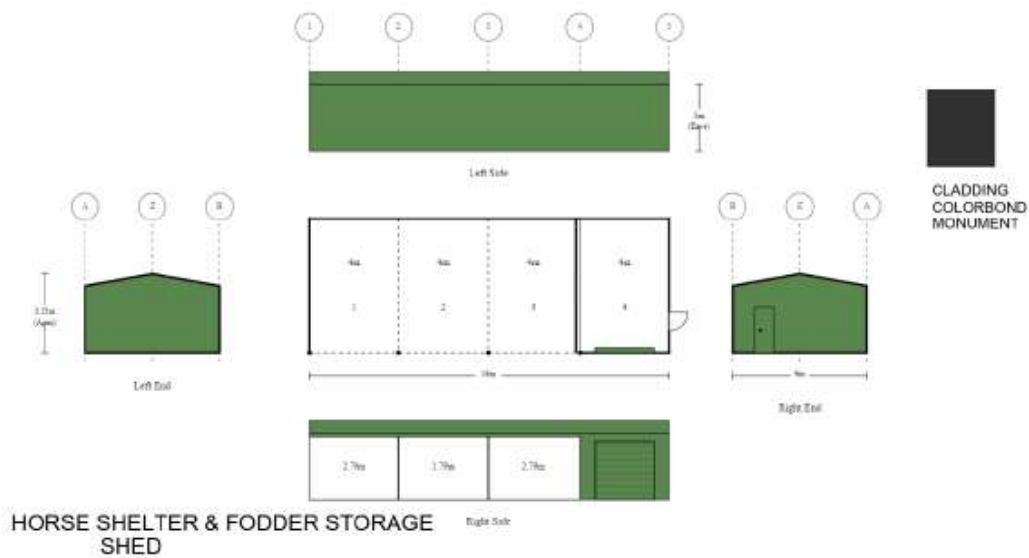



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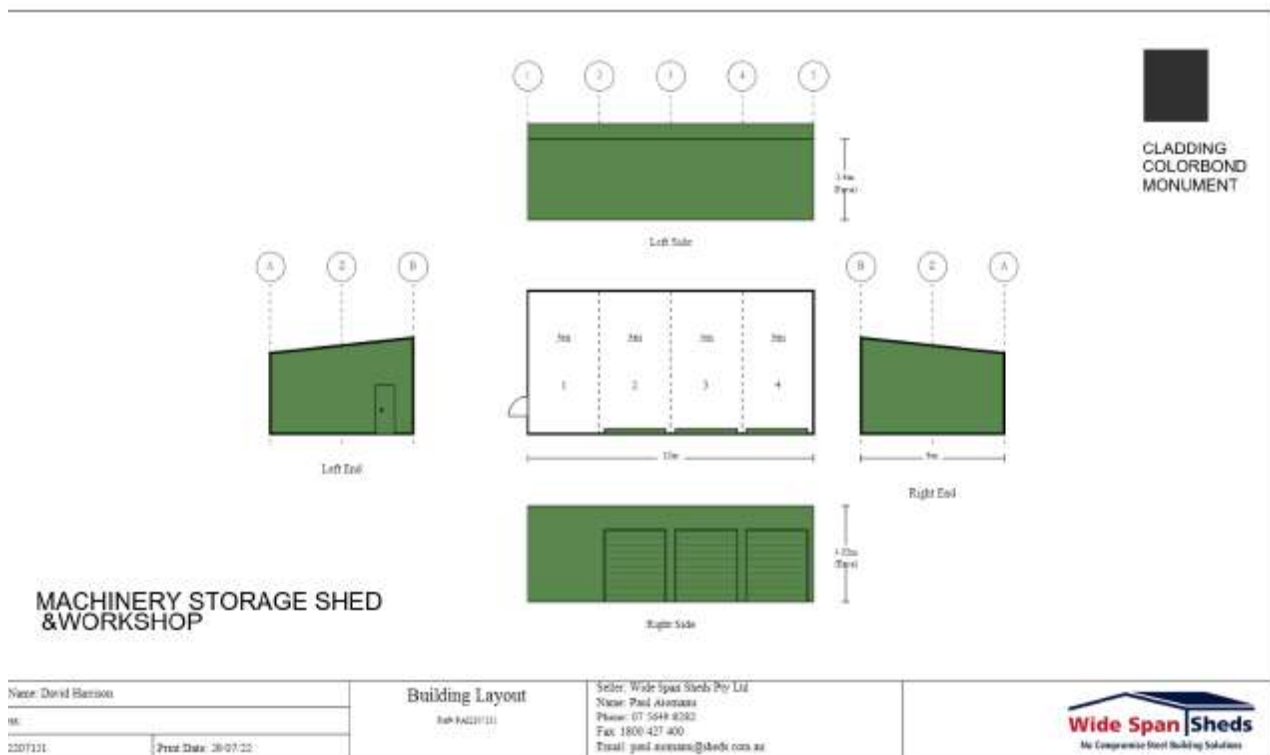
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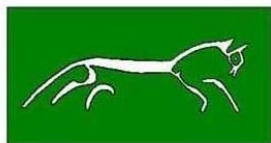
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Name: Dave Harrison	Building Layout 0488 622111	Supplier: Wide Span Sheds Pty Ltd Name: Paul Alenano Phone: 07 5548 1282 Fax: 1800 427 400 Email: paul.alenano@sheds.com.au	
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107118-0      Print Date: 29/07/21			







**Archaeo-Environments Pty Ltd**  
**heritage soils and landscape**

**Residential Development**  
**Lot 1 Gradys Lane, Kerrie**

## **LAND CAPABILITY ASSESSMENT**



**Land Capability Assessor**  
**Dr Chris Day**  
**Archaeo-Environments Pty Ltd**  
**ABN 89 119 932 437**

**Rev 2 March 29 2022**

**LAND CAPABILITY ASSESSMENT****Lot 1 Gradys Lane Kerrie****SUMMARY**

A land capability assessment has been commissioned by Banon Consultants for development of a dwelling at Lot 1 Gradys Lane Kerrie. An LCA is required by Macedon Ranges Shire Council for planning approval for development at this location.

The subject block is part cleared with an area of native forest to the north. It is proposed to establish a 3 bedroom dwelling and small studio in the centre-south of the block. The block is bounded to the west by Grady's Lane and developed properties to the north and east. Soils are typically silty clays above weathered granodiorite bedrock to a depth over 1m. A field inspection was conducted on October 18, 2019, July 8 2020 and February 25, 2022.

The assessment is in general accord with the EPA Septic Code (891.4)(2016) and is focused on the area to be developed. An area suitable for waste water disposal (450m<sup>2</sup>) lies about 30m to the south of the proposed dwelling. The waste water envelope (WWE) is located across an area of gentle sloping ground and well-structured silty clay soils. The WWE is located a minimum of 50m from an undefined and intermittent drainage swale to the east and is well set back from boundaries or fencelines. The waste water field is also well buffered from surrounding blocks on all sides.

A site land capability risk matrix is presented in Appendix A and summarises multiple site factors. High local rainfall generates a poor ranking. It is considered however that risk to effective management of effluent from high rainfall overall is mitigated by multiple soil, drainage and site factors with a good/very good rating.

The proposed dwelling will have 3 bedrooms and studio (net 4br) with estimated daily water sue of 750L/day. The size of waste water envelope has been estimated using both a Water-Nitrogen Balance and Design Irrigation Rate (DIR). A Water-Nitrogen Balance generates an area of 360m<sup>2</sup> for waste water disposal, while the DIR generated an area of 300m<sup>2</sup> based on soils of locally low-moderate permeability (2.5L/M<sup>2</sup>/day). The more conservative of these estimates (360m<sup>2</sup>) has been enlarged to allow additional buffering with recommended WWE size of 450m<sup>2</sup> considered sufficient area for waste water application at this site.

The 50m setback constraint from the WWE to a drainage swale limits waste water options to secondary treatment. Secondary treatment should be via an EPA approved waste water treatment system with application of treated waste water via subsurface dripper lines, designed across the nominated WWE.

**ABOUT THE AUTHOR**

Dr Chris Day DPhil, MIFA Director, Archaeo-Environments Ltd  
Chris has over 30 years experience in geology, geomorphology, soils and heritage work which included 12 years in Bendigo and Benalla with DSE. This included management of catchment and salinity research teams and soil and soil permeability (recharge) mapping as a basis for Dryland Salinity Management Plans across the Avoca, Loddon, Campaspe and Goulburn Broken Catchments.

## 1 INTRODUCTION

A land capability assessment was commissioned by Chris Banon for development at Lot 1 Gradys Lane, Kerrie. The property lies near Mt Charlies Creek and within Macedon Ranges Shire.

Macedon Ranges Shire Council (MRSC) requires that a Land Capability Assessment (LCA) be carried out as part of the Planning Permit process in relation to a development on the subject property. This provision is to ensure that wastewater disposal for any residential development will be as environmentally sustainable as possible.

The LCA approach is conservative, aimed at the protection of environmental (and human) health. It is not intended to support a particular proposal, but rather to describe the existing land parcel and suggest how adverse environmental impacts of the proposal may be minimised. The Septic Tank Code of Practice requires that a Land Capability Assessment should "...allow Council to be fully informed in preparing conditions for the development".

## 2 BACKGROUND

### 2.1 BRIEF

The Land Capability Assessment is an assessment of :

- Principal geographic features and soils of the area associated with the proposed development.
- Principal land constraints as they presently relate to the proposal.
- Impact assessment of the proposed development with respect to:-
  - local soils and climate
  - wastewater treatment and reuse.
  - vegetation,
  - drainage and access
- Summary of land management options to mitigate potential environmental impacts.

Field work was conducted on October 18, 2019, July 8, 2020 and Feb 25, 2022.

### 2.2 DATA SCOPE AND LIMITATIONS

Mapping and assessment has been conducted at a field scale which provides a guide and professional overview of site conditions. Terrain mapping, soil properties, climatic and botanical data are based on reconnaissance field-work and regional data sources for the purpose of reasonable and relevant estimates. As physical conditions, soils and local hydrology may vary over time, the overview assessment on which estimates are made in this report are limited to 18 months. The report should be used within the scope and scale of the brief and not for detailed design or property layout works or for any development beyond those of the brief. The report and recommendations therein are to be used to provide guidance toward - but do not guarantee – planning permission. It is not to be used, in full or in part, by any other party without written permission from the author.

### 3 LOCATION AND SETTING

#### 3.1 LOCATION

The subject property lies at Lot 1 Gradys Lane, Kerrie some 7km south-west of Romsey township. The block is characterised by part forested and cleared ground, located on sloping granodiorite terrain (Fig 1 and 2) south of Mt Eliza Road.

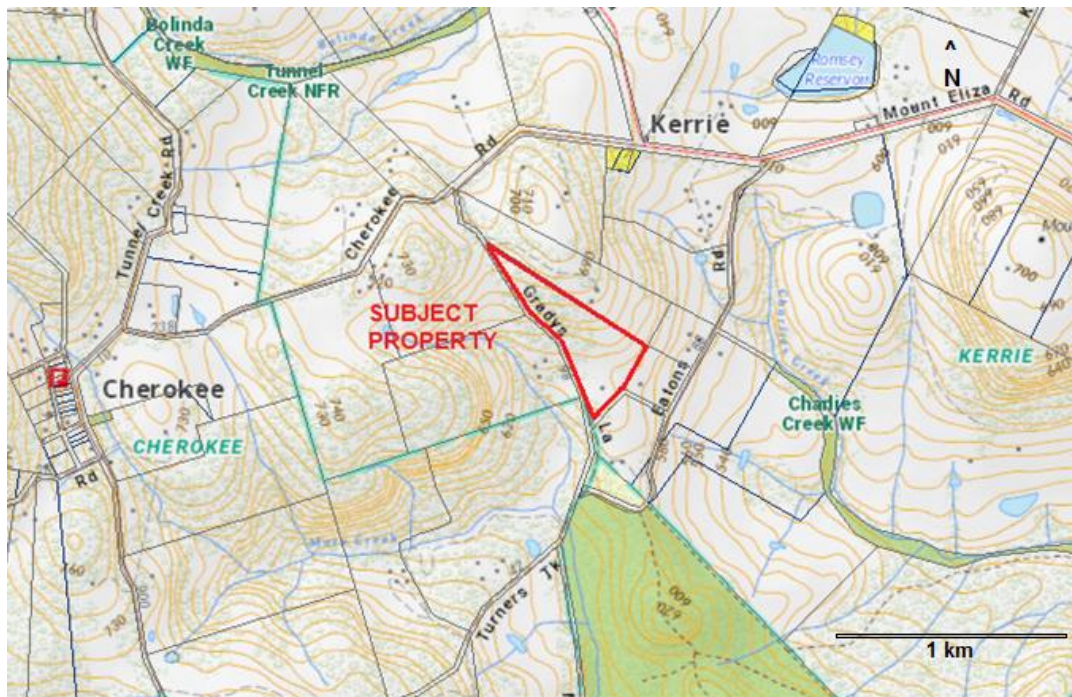


Fig 1 Location of subject property at Lot 1 Gradys Lane, Kerrie

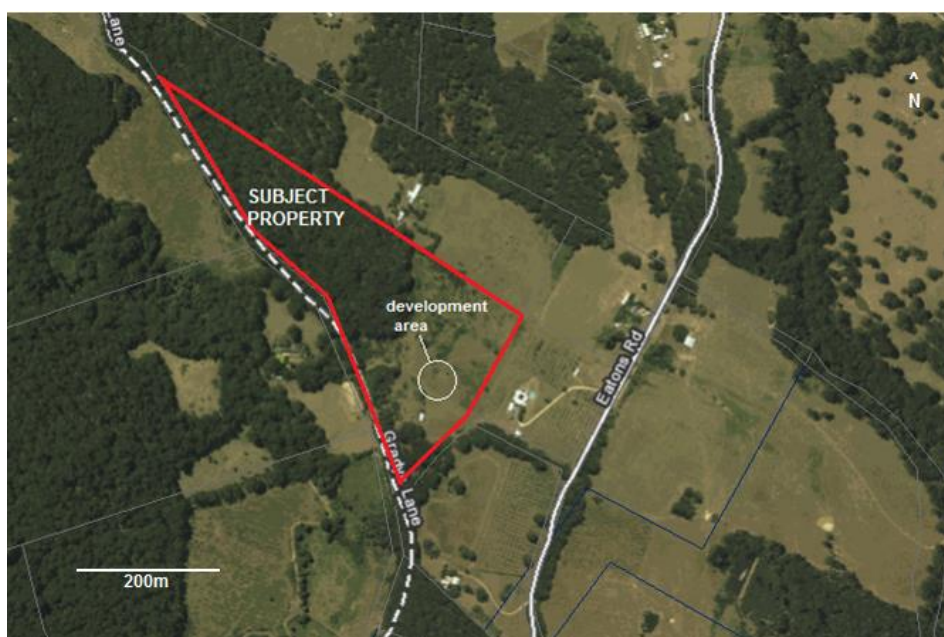


Fig 2 Air Photo view of subject property (Lot 1 Gradys Road, Kerrie)



### 3.2 LAND USE/BUILDINGS/INFRASTRUCTURE and PROPOSAL

The block is the product of part tree clearance and rural development, currently unused for agriculture. There is a shed in the southern cleared part of the block with power available via power lines which extend across the southern part of the property. The north-west part of the block is occupied by native forest.

The proposal is to establish a dwelling, small studio and several outbuildings on cleared rising ground in the south-central part of the property (Fig 2). The main dwelling will have 3 bedrooms and a small study (considered too small as a potential fourth bedroom for water-use estimators). A small studio will have a bathroom and toilet (Fig 3 and 4).

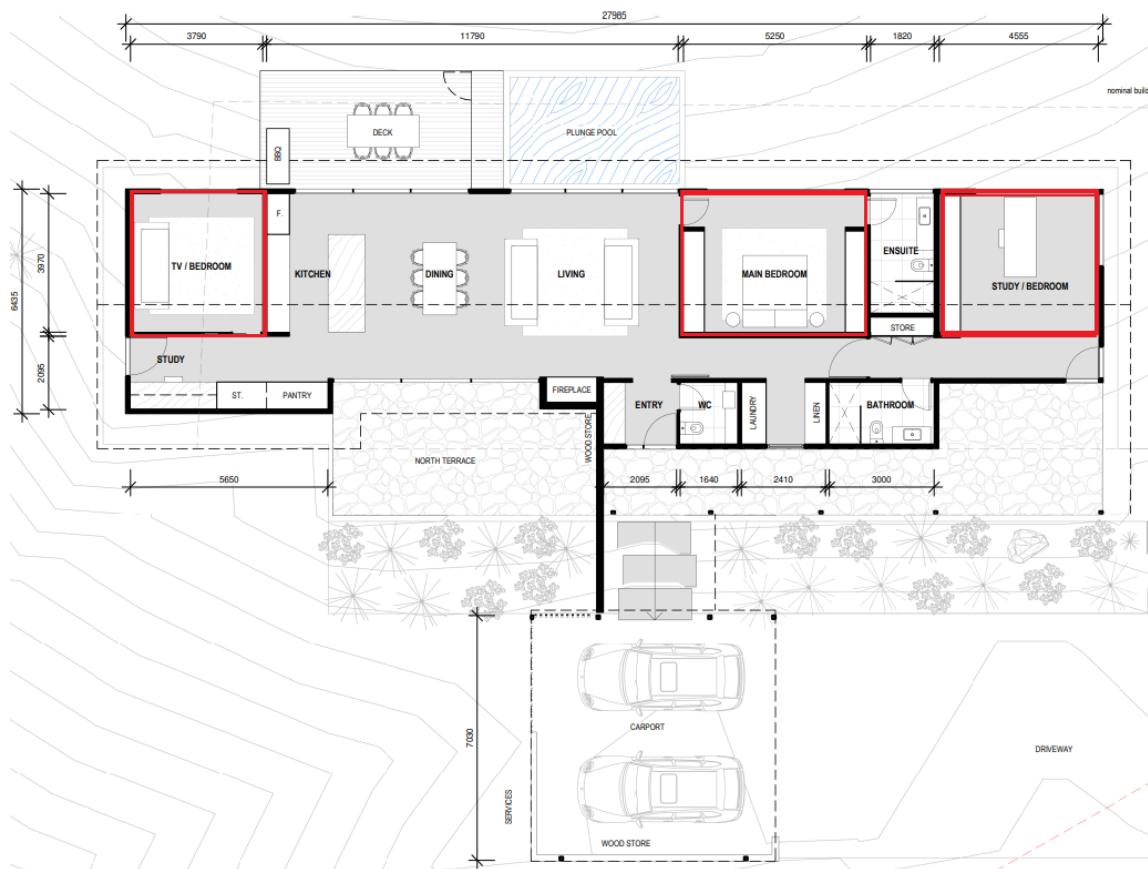


Fig 3 Proposed dwelling plan showing bedrooms.

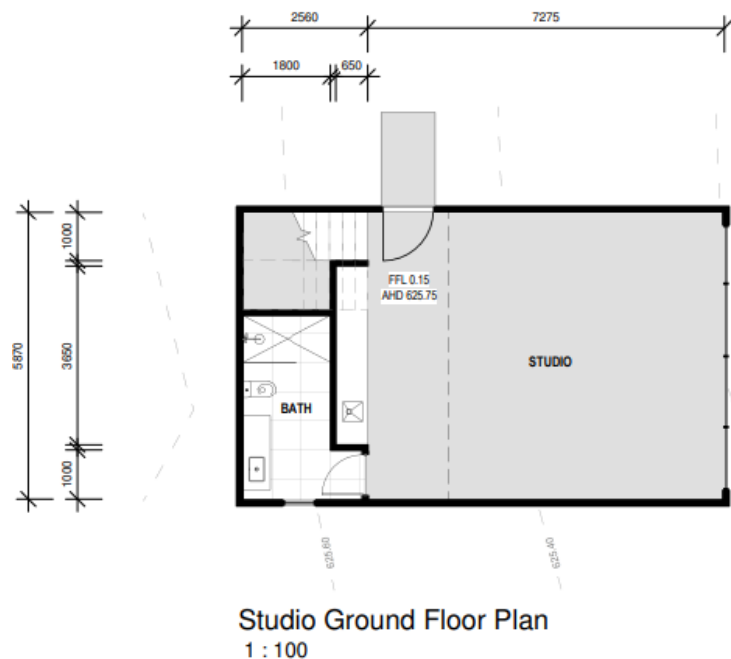


Fig 4 Studio floor plan.

## 4 LOCAL LANDSCAPE AND ENVIRONMENT

### 4.1 TOPOGRAPHY and FEATURES

The landscape which surrounds the stable development and immediate region is occupied by sloping terrain described within the report : *A Study of Land in the Catchment to the North of Melbourne (1981)* by P J Jeffrey (South Conservation Authority). Slopes are convex in shape and are typically 5-15% within this land system with typical reddish-brown gradational soils. The subject property lies within an area of localised granodiorite. Drainage is generally toward the east.

### 4.2 SOILS

A site inspection was made of soils within the location of the recommended waste water envelope. Three auger holes were excavated (AH1-3) with soil profile description summarized in Table 1 below. Local soils (limiting medium clay layer at about 35-39cm) have an estimated low to moderate permeability (6-12cm/day) based on tactile testing. This description is consistent with soil mapping within the land systems report (Jeffrey 1981). Plates 1- 6 show soil profiles and auger location.

Table 1 Auger hole profile

AH 1 (cm)	AH 2 (cm)	AH3 (cm)
0-4 Dark brown organic loam topsoil	0- 3 Brown loam	0-5 Brown silty loam
4-18 Brown clay loam	3- 20 Light brown silty loam	5-35 Light brown silty loam
18-38 Mid brown fine clay loamy	20-39 Reddish brown silty clay	35-60+ Reddish-brown light silty clay
38-82 Reddish brown light silty clay	39-62 Reddish-brown light-medium clay	60+ Weathered bedrock
82-120 Reddish fine silty clay	62-85+ Weathered bedrock (yellowish PM fragments)	
120-130+ Weathered bedrock (clay/PM fragments)		



Plate 1 AH1 Soil profile



Plate 2 AH1 location View to north



Plate 3 AH2 Soil profile



Plate 4 AH2 location View to north



Plate 5 AH3 Soil profile

Plate 6 AH3 location View to north

Soil properties relevant to the proposed waste water envelope include :

- Soils within and near the waste water envelope are well structured silty loam topsoil with deeper light-clay subsoils between 60 and 130cm deep. Nearer the low hillcrest and western part of the WWE, there may be some areas of shallow bedrock.
- Light clay subsoils at 0.38-0.82m deep represent the limiting layer. The relevant soil classification according to Table 9 EPA Publication 891.4, is light clay (Class 5a) with estimated percolation rates of 0.12- 0.5m/day and design irrigation rate of 2.5L/m<sup>2</sup>/day.

NB Soil properties were observed from hand excavated auger holes. Where necessary and available, soil information was also noted from additional soils including tree throw profiles, gully edges, erosion or earthwork scars. Soil descriptions have also been extrapolated from local soil studies and profile description from land systems reports – in this case a description of local soils and land systems for the Macedon land system by Jeffery 1981 - specifically that of hilly rhyodacite and granodiorite landforms. Soil percolation estimates are for the most part based on the authors 12 years experience with the Soil Conservation Authority and later DSE based in Bendigo – work which included infiltration tests across a wide range of soils for dryland salinity research. These tests formed the basis of soil recharge maps which were used in Dryland Salinity Management Plans within the Loddon, Campaspe, Avoca and Goulburn-Broken Catchments.

### 4.3 CLIMATE

Annual rainfall is 854mm/yr (source BOM – Macedon Forestry). Rainfall is less than evaporation from October to March. Rainfall distribution and storm events have the greatest impact on land degradation, particularly summer thunderstorms. Soil saturation at the end of high rainfall seasons will limit subsoil drainage.

### 4.4 VEGETATION

The property is forested to the north-west with an area of clearance across slopes to the south. Native vegetation includes stringybark forest with wattle understorey. Bracken is common. Pastures are improved. Blackberries and invasive weed species have been recently cleared and are currently minor in extent.



#### 4.5 SURFACE DRAINAGE

The property lies within part of the Charlies Creek catchment – a Proclaimed Water Supply Catchment. Chris Banon (Banon Consultants) has advised that Charlies Creek is not used for domestic water supply, has not been for many years and is unlikely to be used in future. The block is moderately undulating and drains to the south and east toward Charlies Creek about 700m to the east. A drainage swale extends toward the east through the south of the block (ref Fig 5).

Relevant Observations :

- Slopes are moderate and are well drained.
- There is no evidence of erosion on the block.
- Soils are well structured gradational clay-loam above silty clay.
- There no evidence of springs, waterlogging or dryland salinity on the block.

#### 4.6 WATERTABLE DEPTH

No bores were noted on the subject property. The website : Visualising Victoria's Groundwater (VVG) provides a register of groundwater bores throughout Victoria. VVG indicates that there are 2 groundwater bores located on the block – one about 200m to the north of the planned dwelling and another in the centre of the forested area to the west. This data source also provides an estimate of regional water table depth. On this basis, local water table depth is 50m. For this reason, it would be reasonable to assume that watertables would not be at risk from waste water disposal at this location.

#### 5.0 LOCATION OF BUILDING AND WASTE WATER ENVELOPE

A building envelope is located on gently sloping and cleared area in the centre-south of the subject property (Plate 7). A primary waste water envelope (WWE) is suggested to the immediate south of the building envelope. The waste water envelope is located 50m from an undefined and terminal drainage swale to the east of the WWE (EPA Septic Tank Code of Practice publication No. 891.4, 2016)(Fig 5).

The WWE occupies an area of 450m<sup>2</sup> and is located on well drained slopes (1-3%)(Plate 8) (Fig 5). A reserve WWE of equivalent size is located a further 25m to the south.



Plate 7 View toward north and location of building envelope on gentle crest toward southern part of the property.



Plate 8 View to east across area of mapped waste water envelope.





Fig 5 Air photo map showing location of building envelope (BE) and waste water envelope (WWE) with general lot features, setback from undefined drainage line and general slope.

**Setbacks**

The wastewater envelope lies 50m from an undefined drainage line to the east of the WWE and over 700m from Charles Creek to the east. A setback reduction of 50% setback is included within Table 5 of the EPA Septic Code (2016) which allows consideration of (up to) a 50% setback reduction, conditional upon use of a secondary treatment system, a service contract and Council satisfaction.

The WWE is well set back from boundary fencelines. The nominated waste water envelope is separated from neighboring blocks and adjoining land uses - a factor which, suggests that boundary effects are low.

## **6 LAND CAPABILITY ASSESSMENT AND RECOMMENDATIONS**

### **INTRODUCTION**

The Land Capability Assessment (LCA) provided within this report aims at identifying land constraints associated with on-site waste water disposal for any proposed development of the property and to recommend management programs to address these constraints.

The emphasis is on waste water management issues with an emphasis on the southern part of the subject property which is the area of the nominated building and waste water envelope.

### **6.1 CONSTRAINTS**

For the proposed residential development and on site waste water disposal, the property is considered to present a few constraints.

- No sewer connection or town water
- Rainfall is moderate-high, exceeding evaporation between March and October will mean that waste-water drainage during these periods will be reduced.
- On site waste water disposal will require design to accommodate new buildings and access areas.

### **6.2 MITIGATING CIRCUMSTANCES**

Factors which mitigate these constraints include :

- Slopes are moderate and well drained.
- Local soils are generally deep gradational light-medium clays with low-moderate permeability.
- The proposed waste water envelope is setback 50m from a drainage swale to the east.
- Watertable depth is estimated to be > 50m in the area of the building and waste water envelope.
- The property is well buffered from surrounding properties
- Summers are expected to dry out soil profiles.

### 6.3 ASSUMPTIONS

Several assumptions are made regarding this development proposal :-

For the purposes of water use estimates and in accord with the (EPA Septic Code Table 4) the dwelling and studio includes 3 bedrooms within the main dwelling and 1 within the studio to the south. On this basis Main dwelling (150 + 3x150 L/day) + studio (150 + 1x150 L/day) = 900 litres/day.

It is suggested that these are upper level estimates.

### 6.3 RISK RATING

According to factors discussed above and a range of site, soil and climatic factors the property achieves a rating of high/very good with the exception of a poor rating due to high rainfall (Appendix A). While high rainfall generates a poor risk rating at this site it is noted that locally deep and well drained soils, gentle slope and a well buffered setting would mitigate against risk of system failure from-on-site waste water disposal.

### 6.4 ON SITE WASTE WATER MANAGEMENT

The assessed environmental risk indicates that residential development on this land will need low-moderate management programs in place to address various issues, particularly on-site domestic wastewater treatment & disposal.

#### 6.4.1 Wastewater treatment and disposal on site

##### Introduction

While reticulated sewerage would minimize the potential human health impact, this is not likely to occur in the foreseeable future and wastewater associated with the new dwelling on this site will have to be treated and disposed of by an on-site process.

The comments and recommendations below are aimed at limiting the potential human health and environmental risks associated with practical domestic wastewater management for the subject development. The discussion below is in general accordance with the EPA Guideline "*Septic Tanks Code of Practice*" Publication 891.4 (2016) and the Information Bulletin "*Land Capability Assessment for Onsite Domestic Wastewater Management*" Publication 746.1.

### 6.4.2 Treatment

Given the high rainfall and setback constraints to a drainage line to the east of the waste water envelope, a secondary treatment system is recommended with some conditions, described below.

#### **Aerated Package or Sand Filter System**

A secondary aerated package is more sophisticated than a standard conventional system and results in higher-grade effluent for disposal. Most secondary treatment systems require quarterly inspection.

A sand filter system provides a secondary treatment option which produces treated effluent and does not require rigorous maintenance. Treated effluent from any secondary system could be used to help maintain gardens within the waste water field or irrigate pasture, trees or shrubs. This will allow more flexibility in dispersing treated wastewater from these systems compared with standard systems.

#### *Treatment*

- Treatment should be through an up-graded system carrying a current EPA Certificate of Approval. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
- Council will need to ensure that Planning Permit conditions associated with the running of the units are met. The owner must also guarantee that they can implement all EPA Certificate of Approval maintenance and monitoring conditions. The plumber should provide a copy of detailed design and operation documentation to the owner.

#### *Disposal Field*

Treated effluent from a secondary system could be distributed over pasture, garden beds or tree plantation within the waste water envelope. Vegetating the disposal fields with appropriate evergreen species will assist with water and nutrient uptake. This will increase soil-water storage and create a buffer for high rainfall months.

#### *Application*

- The critical time for wastewater application will be during the winter period.
- The sizing of the waste water envelope can be approximated according to two methods :

#### **Design Irrigation Rate (DIR)**

*Based upon the estimated household discharge for a max 4 bedroom dwelling (750 litres/day) and with an application of 2.5L/m<sup>2</sup>/day (based on general percolation rates on Class 5a light clay sub-soils (EPA Septic Code 2016) onto a series of raised, disposal areas (garden or treed), there would be a requirement for an area of 300m<sup>2</sup> to address the wastewater disposal needs for any new dwelling on this property.*

#### **Water Balance**

*A water balance which includes local rainfall and evapotranspiration data from Macedon Forestry and Creswick as well as effluent volumes, soil percolation and landform factors has been compiled in Table 2 below. Based on the above, the area of waste water application for zero monthly storage = **430m<sup>2</sup>***



Table 2 Water-Nitrogen balance (20/30) – no wet month storage for site at Kerrie.

Paul Williams &amp; Associates Pty Ltd

**WATER/NITROGEN BALANCE (20/30 irrigation): With no wet month storage.**

Rainfall Station: Macedon Forestry/ Evaporation Station: Creswick

Location:

Kerrie

Date:

Feb 2022

Client:

ITEM	UNIT	#	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR
Days in month:		D	31	28	31	30	31	30	31	31	30	31	30	31	365
Evaporation (Mean)	mm	A	205	176	124	75	47	27	27	43	66	105	126	152	1168
Rainfall (9th Decile wet year adjusted)	mm	B1	49	52	59	80	101	117	115	123	124	114	83	65	1083
Effective rainfall	mm	B2	44	47	53	72	91	105	104	110	112	102	75	59	975
Peak seepage Loss <sup>1</sup>	mm	B3	161	146	161	156	161	156	161	156	161	156	161	156	1898
Evapotranspiration(IXA)	mm	C1	144	123	87	45	24	12	11	19	36	68	88	106	763
Waste Loading(C1+B3-B2)	mm	C2	261	222	195	129	93	63	68	70	80	127	169	209	1687
Net evaporation from lagoons (10(0.8A-B1)xlagoon area(ha)))	L	NL	0	0	0	0	0	0	0	0	0	0	0	0	0
Volume of Wastewater	L	E	27900	25200	27900	27000	27900	27000	27900	27900	27000	27900	27000	27900	328500
Total Irrigation Water(E-D)/G	mm	F	65	59	65	63	65	63	65	65	63	65	63	65	764
Irrigation Area(E/C2)annual.	m <sup>2</sup>	G													430
Storage	mm	H	-196	-163	-130	-66	-29	0	-3	-5	-18	-62	-106	-144	0
Actual seepage loss	mm	J	-35	-18	31	90	133	156	158	156	138	99	50	17	1028
Direct Crop Coefficient:		I	0.7	0.7	0.7	0.6	0.5	0.45	0.4	0.45	0.55	0.65	0.7	0.7	Pasture:
Rainfall Retained:	90 %	K	1. Seepage loss (peak) equals deep seepage plus lateral flow: 5mm (<12% ksat)												
Lagoon Area:	0 ha	L	CROP FACTOR												
Wastewater(Irrigation):	900 L	M	0.7	0.7	0.7	0.6	0.5	0.45	0.4	0.45	0.55	0.65	0.7	0.7	Pasture:
Seepage Loss (Peak):	5.2 mm	N	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	Shade:
Irrig'n Area(No storage):	430 m <sup>2</sup>	P2	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	Fescue:
Application Rate:	2.1 mm	Q	1	1	1	1	1	1	1	1	1	1	1	1	Woodlot
Nitrogen in Effluent:	30 mg/L	R	NITROGEN UPTAKE:												
Denitrification Rate:	20 %	S	Species:	Kg/ha.yr	pH	Species:	Kg/ha.yr	pH	Species:	Kg/ha.yr	pH				
Plant Uptake:	220 kg/ha/yr	T	Ryegrass	200	5.6-8.5	Bent grass	170	5.6-6.9	Grapes	200	6.1-7.9				
Average daily seepage:	2.8 mm	U	Eucalyptus	90	5.6-6.9	Rye/clover/fescue	250	6.1-6.9	Lemons	90	6.1-6.9				
Annual N load:	7.88 kg/yr	V	Lucerne	220	6.1-7.9	Clover	180	6.1-6.9	C cunn'a	220	6.1-7.9				
Area for N uptake:	358 m <sup>2</sup>	W	Tall fescue	150-320	6.1-6.9	Oats	60	5.0-7.9	P radiata	150	5.6-6.9				
Application Rate:	2.5 mm	X	Rye/clover	220		Sorghum	90	5.6-6.9	Poplars	115	5.6-8.5				

**NOMINATED WW APPLICATION AREA**

(i) According to the Water-Nutrient Balance shown above the estimated irrigation area (no storage) = 430m<sup>2</sup>.

(ii) According to DIR estimates cited above the estimated irrigation area = 300m<sup>2</sup>.

Accounting for both methods of WWE area calculation, the more conservative estimate from the Water-Nutrient Balance indicates that 360m<sup>2</sup> is required. However to allow additional buffering an area of **450m<sup>2</sup>** is recommended at this site.

*There is sufficient room for a waste water field of these dimensions within the WWE shown in Fig 5.*

*Subject to plumbing design, a system of 450m subsurface irrigation lines will be installed within the WWE with buffer and setback distances and line separation in accord with permit requirements and the EPA Septic Code (2016).*

#### 6.4.3 Application-management

- All wastewater from the future dwelling on this property must be treated to at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or sand filter discussed above.
- Land application should be through a series of subsurface pressure drippers or soaker lines within the WWE or within landscaped garden/tree beds.
- No wastewater should come into direct contact with vegetables, fruits or herbs intended for human use or consumption.
- To ensure the viability of the vegetation on a disposal field, it may occasionally be necessary for supplementary watering in very dry times.
- The active disposal field should be restricted from access by vehicles, children, pets and visitors.
- At any future change of occupier, the relevant wastewater management program should be reassessed by Council, and new tenants should be made familiar with management and permit requirements
- If there are plans for house extensions, or if connection to town water takes place, the wastewater management program should be reviewed by Council.
- It is recommended that a cover of vegetation be established in the area of the waste water envelope to improve transpiration and use of subsoil moisture.
- Final design will be subject to plumbing contractor advice.
- New owner/tenants should be made familiar with management and permit requirements, including maintenance guide from the plumbing contractor.

## 8.0 LIMITATIONS OF THIS REPORT

Any reliance of this report by third parties shall be at such party's sole risk and may not contain sufficient information for purposes of other parties or for other uses. This report shall only be presented in full and may not be used to support any other objective than those set out in the report, except where written approval with comments are provided by Archaeo-Environments Pty Ltd.

Limitations are summarised in Appendix B. This document is not intended to reduce the level of responsibility accepted by Archaeo-Environments Pty Ltd but rather to ensure that all parties who may rely on this report are aware of the responsibilities each assumes in so doing.



## APPENDIX A LAND CAPABILITY RATING

	LAND CAPABILITY CLASS RATING					
LAND FEATURES	Very Good (1)	Good (2)	Fair (3)	Poor (4)	Very Poor (5)	SITE RATING
<b>General Characteristics Site Rating</b>						
Site drainage/runoff	very slow	slow	moderate	rapid	very rapid	2
Flood/inundation potential (yearly return exceedance)	never		<1 in 100	<1 in 20	>1 in 20	1
Exposure	High sun and wind		Moderate	Low sun and wind	High cover	1
Proximity to surrounding Properties/land uses	200-500m+		100-200	50-100m	<50m	1
Landform	Hillcrest, convex side slopes and plains		Concave sideslopes and footslopes		Floodplain and incised channels	1
Slope (%)	0-2	2-8 %	8 to 12	12 to 20	>20	1
Landslip	never	never	Low potential	High potential	Present or past failure	1
Seasonal water table depth (m)	>5	5-2.5	2.5 - 2	2.0 - 1.5	<1.5	1
Vegetation	Plentiful-heavy cover	Moderate vegetation	Moderate vegetation	Sparse vegetation	Vegetation constrained	1
Rainfall (mm/yr)	<450	450 - 650	<b>650 - 750</b>	750 - 1000	>1000	4
Pan Evaporation (mm/yr)	>1500	1250 - 1500	1000 - 1250	750-1000	<1000	2
Water supply (reticulated or tank water)	Tank	Tank	Tank reticulated	Tank reticulated	Tank reticulated	1
<b>SOIL PROPERTIES</b>						
Structure	High	Moderate-good	Weak	Massing	Single Graded	2
Profile depth (includes weathered parent material)	>2	1.2 - 2m	0.8-1.2m	0.8-0.4m	<0.4m	2
Percolation (cm/day)	100-300	6-50	2-6	1-2	<1 >500	2
Mottling	None	V minor	Minor	Extensive	Extensive	1

Source : Site parameters and risk table derived from MAV Model LCA, EPA information bulletins, and various Shire templates (eg Glenelg Shire).

## **APPENDIX B LIMITATIONS**

This report has been prepared for the specific purpose outlined in the proposal and no responsibility is accepted for the use of this document, in whole or part, in other purposes or contexts.

The scope and period of services are as described in the proposal. Conditions may exist which were undetectable given the limited nature of the enquiry AE Ltd was engaged to assess with respect to the site. Conditions may vary between sample sites, with special conditions within the study area not revealed by the assessment and which have therefore not been accounted for in the report. Additional studies and actions may therefore be required.

It is recognised that time affects the information and assessment provided in this report. The opinions of AE Ltd are based on information current at the time the report was produced. It is understood that the services provided by AE Ltd lead to opinions based on the actual conditions of the study area at the time the study area was visited. These opinions cannot be used to assess effects of any subsequent changes in the quality of the site or its surroundings or any laws and regulations.

Any advice made in this report, are based on conditions from published sources and the investigation described herein. Where information provided by the client or other sources have been used, it is assumed that the information is correct unless otherwise stated. No responsibility is accepted by AE Ltd for incomplete or inaccurate data supplied by others.

This report is provided for the sole use by the client. Any use a third party makes of this report or any reliance on decisions made based on it is the sole responsibility of such third parties. AE Ltd accepts no responsibility for any damages incurred by a third party as a result of decisions made based on this report.

<b>8.2</b>	<b>PLN/2022/376 - 1 THOM STREET</b>
<b>Application Details:</b>	<b>Development of the Land for Two (2) Dwellings</b>
<b>Officer:</b>	<b>Robert Wallis, Senior Statutory Planning Officer</b>
<b>Council Plan relationship:</b>	<b>3. Improve the built environment</b>
<b>Attachments:</b>	<b>1. Conditions for Notice of Decision</b> <a href="#">↓</a> <b>2. Assessment of Statement of Planning Policy</b> <a href="#">↓</a> <b>3. Concept Landscape Plan</b> <a href="#">↓</a> <b>4. Development Plans</b> <a href="#">↓</a>
Triggers for a planning permit	General Residential Zone (Schedule 1) - Construct two or more dwellings on a lot
Zones and Overlays	General Residential Zone (Schedule 1) Development Contributions Plan Overlay (Schedule 2)
No. of objectors	4
Trigger for report to the Committee	Councillor Call-in
Key Considerations	Neighbourhood character and incremental change; impact of infill development; potential amenity impact to adjoining properties due to two-storey form; and objector concerns.
Conclusion	Notice of Decision to Grant a Permit subject to conditions
Date of receipt of application:	13 September 2022

### Recommendation

**That the Committee support the Planning Permit Application PLN/2022/376 and a Notice of Decision to Grant a Permit be issued for the development of two (2) dwellings at Lot 34, LP58762 1 Thom Street, New Gisborne subject to the conditions outlined in Attachment 1.**

### Summary

The application seeks approval for the development of the subject site for the purpose of two dwellings.

Key issues to be considered relate to the suitability of the site for increased density and infill development, and the design and layout of the proposed dwellings to demonstrate that amenity impacts on adjoining dwellings have been appropriately managed.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is found to be consistent with the objectives and provisions of the Planning Scheme. It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

## Existing conditions and relevant history

### Subject land

The subject site is located on the western side of Thom Street in New Gisborne, and is one of eight (8) properties that currently front onto this street. The land is rectangular, with dimensions roughly in the realm of 20m x 40m. The land is approximately 800m<sup>2</sup> in size and is currently developed with a single-storey dwelling and an associated outbuilding.

An existing access way runs along the length of the southern boundary, providing vehicle egress to the existing structure in the south-eastern corner of the site.

### Surrounds

Surrounding properties share similar dimensions to the subject site, although there are a few examples of smaller allotments beginning to appear as a result of development applications – notably at 23, 25 and 29 Farrell Street. The subject site adjoins to the north and south by three existing residential dwellings, comprising a single storey dwelling at 3 Thom Street, a double-storey dwelling at 27 Farrell Street and a single-storey dwelling at 25 Farrell Street. Land to the direct east of the subject site is currently vacant.

Development is predominantly single-storey, with some scattered examples of double-storey form. Site display a mixed character with regard to vegetation – with some properties well-screened with established vegetation, and other properties developed with low-scale garden settings.

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

There are no registered restrictive covenants or Section 173 Agreements affecting the site.

### Previous planning permit history

The subject site does not have any relevant Planning Permit history.

## Proposal

The proposal seeks approval for the construction of two dwellings, both of which are shown on the plans to be double-storey in form. The Table below summarises the setbacks of the proposed development

Location	Proposed Setback
Ground floor western setback (to the street)	9.0 metres
Ground floor northern setback (to 3 Thom Street)	1.5 metres
Ground floor eastern setback (to the rear)	2.69 metres
Ground floor southern setback (to 25 & 27 Farrell Street)	1.2 metres
First Floor western setback (to the street)	12.14 metres
First floor northern setback (to 3 Thom Street)	3.2 metres
First floor eastern setback (to the rear)	10.83 metres
First floor southern setback (to 25 & 27 Farrell Street)	2.69 metres

Areas for the Ground floor footprints of each dwelling are 146.83sqm for Dwelling 1 and 197.17sqm for Dwelling 2.

The first floor footprints of the proposed dwellings are shown to be consistent in length, comprising 15.13m from the western to eastern end of the built form. First Floor areas are shown on the plans to be 99.74sqm and 113.67sqm for Dwelling 1 and Dwelling 2 Respectively.

The dwellings are proposed to be constructed in a side-by-side arrangement, with separate vehicle crossovers proposed. The dwellings seek to include generous internal living areas, with the street facing façade of the proposal (the western elevation) attempting to appear as one congruous dwelling.

The dwellings are shown to have contemporary appearances, with the use of rendering for the external walls and the implementation of flat roof form for the ground floor levels. Upper Level roofing is pitched, and proposed to be clad in Colorbond material.

Unit 2 is larger than Unit 1 and incorporates an internal lift. Both dwellings will have four (4) bedrooms. The proposed maximum height of the development is shown on the plans to be 7.93 metres above the Natural Ground Level.

Both dwellings propose attached double garages. Conceptual landscaping indicates that the site can accommodate nine (9) canopy tree plantings.

### **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
11.01	Victoria
11.03	Planning for Places
15.01-2S	Building Design
15.05-1S	Neighbourhood Character
16.01-1S	Housing Supply
19.03-1S	Development and Infrastructure Contributions Plans
19.03-3S	Integrated Water Management

#### Local Planning Policy Framework

Clause no.	Clause name
21.02-1	Settlement
21.02-4	Built Environment and Heritage
21.03-2	Land Use Vision
21.04	Settlement
21.08-3	Built Environment
21.09-1	Housing in Towns
21.13-1	Gisborne and New Gisborne

Zoning

Clause no.	Clause name
32.08	General Residential Zone – Schedule 1

Overlay

Clause no.	Clause name
45.06	Development Contributions Plan Overlay – Schedule 2

Particular provisions

Clause no.	Clause name
52.06	Car Parking
53.18	Stormwater Management in Urban Development
55	Two or More Dwellings on a Lot

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 within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	The subject property is not within an area of identified cultural heritage sensitivity.
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
N/A	There are no Determining referral authorities who require notification of the proposed development.

Authority (Section 52)	Response
Melbourne Water	No objection subject to Conditions
MRSC Engineering	No objection subject to Conditions

### Advertising

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987.

Four (4) objections were received. Following are the concerns raised by the objectors:

- Inconsistencies between existing conditions plans and existing built form
- Double storey form not consistent with the streetscape pattern
- No double unit developments nearby
- Devaluation of property values
- Excessive height
- Nearby properties to look at an 8m high wall
- Overlooking
- Inconsistencies between landscape and development plans
- Car parking
- Commercial development in an established residential area
- Proposed landscaping undermining the stability of neighbouring properties
- Lack of details in relation to canopy trees
- Loss of amenity
- Overdevelopment
- Setting a precedence for future development

### **Officer assessment**

The proposed development is required to demonstrate an acceptable level of compliance with the provisions of the Macedon Ranges Planning Scheme.

### **Planning Policy Framework**

#### Clause 11.01 – Victoria

Clause 11.01 of the Scheme contains macro objectives for planning outcomes within Victoria. Notably, objectives and strategies for development in settlements include “*support sustainable development of regional centres, including Gisborne*”.

In addition to the above, the additional strategies are related to the settlement and growth of the Loddon Mallee South region of Victoria – of which Gisborne is a part of:

- *Manage and support growth in Gisborne;*
- *Maintain non-urban breaks between settlements;*

#### Clause 11.03 – Planning for Places

The purpose of Clause 11.03 is to provide strategic direction for macro level objectives for how development should be located within identified settlements. Of note, Clause 11.03



provides the following guidance for decision makers in considering where development should occur:

- *To manage growth in peri-urban areas to protect and enhance their identified valued attributes.*
- *Enhance the character, identity, attractiveness and amenity of peri-urban towns.*

#### 15.01-2S – Building Design

The objective of Clause 15.01-2S is stated as being “*to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development*”. Additional relevant strategies are:

- *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 that encourages passive design responses;*
- *Encourage the layout and design of development that supports resource recovery, including separation, storage and collection of waste;*
- *Encourage water efficiency and the use of rainwater, stormwater and recycled water;*
- *Minimise stormwater discharge through sit 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;*
- *Encourage development to retain existing vegetation;*
- *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;*

#### Clause 15.05-1S – Neighbourhood Character

The objective of Clause 15.05-1S is “*to recognise, support and protect neighbourhood character, cultural identity and sense of place*”. The following strategies are relevant to this objective:

- *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 values features and characteristics of the local environment and place;*

#### Clause 16.01-1S – Housing Supply:

The objective of Clause 16.01-1S is “*to facilitate well-located, integrated and diverse housing that meets community needs*”. The following strategies contained in Clause 16.01-1S are relevant to the proposed development:

- *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport;*

- *Identify opportunities for increased residential densities to help consolidate urban areas;*
- *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types;*
- *Encourage the development of well-designed housing that provides a high level of internal and external amenity, and incorporates universal design and adaptable internal dwelling design;*

#### 19.03-1S – Development and Infrastructure Contributions Plans:

The objective of Clause 19.03-1S is “*To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.*” The relevant strategy pertaining to this Policy is “*prepare development contributions plans and infrastructure contributions plans, under the Planning and Environment Act 1987, to manage contributions towards infrastructure*”.

The subject site is located within the Development Contributions Plan Overlay. Any future subdivision of the subject site will require the payment of a development contribution. The provisions of the DCPO2 do not apply to development.

#### Clause 19.03-3S – Integrated Water Management:

The objective of Clause 19.03-3S is “*to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach*”.

The proposal is acceptable with regards to the objective of Clause 19.03-3S. Water tanks are provided within the site for capture and re-use for landscaping purposes. The proposal includes extensive landscaping outcomes within the site in order to both improve the aesthetic appearance of the site, and to improve how the land treats and regulates stormwater generation.

In addition, it is noted that the proposed application was referred to Melbourne Water for comment as part of the application process – notably for input on drainage capacity of the site and surrounds, and the impact of the development on the drainage patterns of the area. Melbourne Water is also the Urban Water Supplier for the subject site and is best positioned to provide advice on stormwater related issues. Melbourne Water did not object to the grant of a permit for the subject site. It is therefore considered that the proposed development adequately manages the need to adopt integrated water management principles into the design of the proposal.

### **Local Planning Policy Framework**

#### Clause 21.02-1 – Settlement:

The following core issues are identified as being of relevance to the proposed development application, as referenced in Clause 21.02-1:

- *The natural beauty of the environment and proximity to Melbourne make the Shire increasingly attractive for urban and rural living development, presenting challenges for managing growth;*
- *The Calder Freeway and the Bendigo train service will influence the rates and location of urban growth;*
- *There is a preference for the maintenance of a non-urban buffer on the edge of the metropolitan Melbourne area;*

- *The Calder corridor towns of Gisborne and Kyneton will continue to be the major population and employment centres of the Shire;*
- *Ongoing demand for rural residential development can produce adverse impacts and must be carefully managed.*

Clause 21.02-4 – Built Environment and Heritage:

Clause 21.02-4 identifies the following as key considerations and influences for development:

- *Consideration of the relationship between infrastructure provision and development needs;*
- *Significant and highly valued characteristics of each township area;*
- *Retention of the village atmosphere within the shire and the protection of distinctive township identity;*
- *Additional development will place added pressure on heritage buildings and streetscapes;*

Clause 21.03-2 – Land Use Vision:

Clause 21.03-2 offers the following relevant guiding principles with regard to development planning within the Macedon Ranges Shire:

- *The Shire remains predominantly rural, with a hierarchy of settlements set in an attractive and productive rural environment;*
- *Development occurs in an orderly and sustainable manner – maintain clear separation between settlements. Growth is generally directed to the transport corridors, in-line with infrastructure provision and cognisant of restraints;*

Clause 21.04 – Settlement:

Clause 21.04 provides a suite of policy considerations and a series of objectives for the development of the identified settlements within the Macedon Ranges Shire. The following strategies are identified as being appropriate to adequately manage growth within the Shire:

- *Encourage the development of Gisborne and Kyneton as regional centres by facilitating the provision of a large, diverse housing base in both centres;*
- *Focus development on and consolidate the roles of the key towns of Gisborne and Kyneton;*
- *Provide for township development in line with the settlement hierarchy vision;*
- *Ensure urban development is located within the township boundaries identified on plans in Clause 21.13;*
- *Guide population and development to settlements where existing environmental assets will not be jeopardised;*

Clause 21.08-3 – Built Environment:

Clause 21.08-3 provides guiding policy objectives and strategies for managing development that is sustainable and respectful of character and the high landscape qualities of the Shire. The following objectives and strategies are of relevance to the proposed development:

- *Direct population and development to settlements where scenic landscapes will not be jeopardised;*

- *Encourage development that respects the distinctive character and defining attributes of each settlement;*
- *Ensure the planning density and design of new residential development recognises the environmental and infrastructure constraints and preserves the distinctive characters of the Shires various communities and individual towns and settlements;*
- *Encourage energy efficient buildings;*
- *Ensure development does not exacerbate stormwater capacity issues;*

#### Clause 21.09-1 – Housing in Towns:

Clause 21.09 broadly provides policy frameworks for housing development within the Shire. Clause 21.09-1 of the Scheme more specifically targets housing development in township areas, and provides policy considerations for urbanised development. The following considerations are relevant to the proposed development:

- *Encourage a diversity of housing in appropriate locations;*
- *Encourage the provision of smaller housing forms, including townhouses and units, around town centres to cater for changing demographics of the Shire;*
- *Promote a range of housing options to improve housing affordability in the larger towns;*
- *Facilitate a range of single and double storey dwellings to improve housing accessibility;*
- *Encourage all future residential growth to occur within township boundaries where there is adequate infrastructure available or can be made available;*
- *Promote the development of housing with a high degree of environmental sustainability;*

#### Clause 21.13-1 – Gisborne and New Gisborne:

Clause 21.13-1 of the Scheme provides specific guidance on development outcomes and relevant considerations for the Gisborne and New Gisborne township areas. Clause 21.13-1 identifies key challenges for the towns as being the ongoing balance between facilitating new development and growth to match the increasing population with the desire of an established community to remain as a semi-rural village. The following objectives contained within Clause 21.13-1 are of relevance to the proposed development application:

- *Maintain Gisborne and New Gisborne as distinctive semi-rural settlements with clear limits to population and physical urban growth;*
- *Ensure future development in New Gisborne respects the townships semi-rural character, heritage streetscapes, view-lines to the Macedon Ranges and significant environmental assets;*
- *Facilitate Medium Density development in appropriate areas where the impact can be managed and the proximity to open space areas and activity centres is adequate;*
- *Maintain the 'rural break' between the Gisborne and New Gisborne township areas, and contain development to be south of the railway line to protect the separation between New Gisborne and Macedon;*
- *Recognise and protect cultural heritage assets, including Station Road, New Gisborne streetscape and the Gisborne town centre residential and commercial areas;*
- *Ensure that new development responds to key features of existing streetscapes including building materials, colours, height, setbacks, bulk, articulation, significant*

*vegetation, site coverage and density, particularly within established township areas and areas of landscape sensitivity;*

- *Ensure new urban development is of a low profile and compatible with the landscape qualities of the area;*
- *Optimise the use of existing infrastructure, particularly the New Gisborne railway station;*
- *Ensure residential development occurs in a sequential manner allowing for efficient and timely provision of social and physical infrastructure, and integration with existing development;*

The applicable Planning Policy Framework is consistent in the relevant objectives for the subject site and identify that the subject site is well located with regards to services and infrastructure. The location of the site equidistant from the two main transport corridors of the Gisborne Township (comprising the Bendigo Rail Line and the Calder Freeway) is identified in policy as a priority location for infill development.

The development within the subject site is also aligned with objectives regarding the maintenance of settlement breaks and limiting urban sprawl.

The subject site is located in an established residential area that is largely separate from the historical Gisborne Township, and is largely separated from any areas with identified Heritage significance. The facilitation of development here is appropriate having regard to Clause 21.02-4; there are no examples of Heritage nearby that would be impacted by infill development. It is noted that the nearest examples of buildings with heritage significance are located approximately 560m to the north, along Station Road.

The proposed development does not provide a variety of housing options, however due to the limited scale of the proposal this should not be given substantial weight in the decision making process. Ultimately the proposal seeks to direct residential growth into established areas.

Region specific strategies for the Loddon Mallee region also identify that Gisborne should seek to increase its residential housing supply in a context beyond the borders of the Macedon Ranges Shire, as population increases within the Loddon Mallee Region occur. Clause 11.01-1R (Settlement – Loddon Mallee South) specifically states that decision makers should “*Manage and support growth in... Gisborne*”.

It is acknowledged that a core component of Character within the Gisborne Township is the semi-rural aesthetic, and the prevalence of landscaping within the township.

The proposed development seeks to adopt a contemporary external appearance, which relies on rendering and a blocky ground floor appearance, in contrast to the prevailing character of dwellings in the streetscape. The majority of housing stock is provided as single, detached houses with pitched rooves. The design response seeks to respect existing character via setbacks to boundaries and the comprehensive landscaping of the site.

Heavy plantings contribute to a separation of continuous built form between sites, and a recession of buildings behind established canopy trees and landscaped yards. It is further considered that the removal of mature vegetation from the site can be appropriately balanced with the comprehensive planting of a high number of canopy trees as part of the development proposal.

The proposed dwellings are designed to take advantage of natural solar heating throughout the day, with habitable rooms afforded appropriate solar aspect where possible. Stormwater management outcomes can be implemented through the site, with roof catchment areas connected to rainwater tanks for re-use and recycling within the subject site.

The development also adopts design elements that promote passive surveillance of the streetscape, including first floor habitable room windows, appropriate front setback areas, low-scale fencing and visible and clearly defined dwelling entryways.

The proposed development achieves an appropriate response with regard to perceived safety, with rear Open Space areas clearly located behind the main façade of the dwelling. Secure garage spaces are provided, and the liveable areas of the dwelling, despite being linked to the street through the presence of appropriately sized windows, allow for a private and detached living area for residents.

#### Clause 32.08 – General Residential Zone – Schedule 1 (GRZ1):

The relevant purposes of the General Residential Zone is stated as being “to encourage development that respects the neighbourhood character of the area” and “to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport”. Clause 32.08 contains a number of mandatory criteria that development applications must achieve, including building height, maximum number of storeys and the provision of Garden Areas within the site. The following table provides an assessment of the proposed development against the relevant criteria of the GRZ1:

Design Element	Maximum allowable limit	Provision within proposed development	Compliance
Building Height	Eleven Metres (11m)	7.93m	Yes
No. of Storeys	Three (3) storeys	Two (2) Storeys	Yes
Garden Area	35% of the site set as Garden Areas	35.7% of the Site as Garden Area	Yes

The zone also requires development comply with the relevant decision guidelines of the Zone. Notably, for the construction of Residential Development, compliance with the objectives and standards of Clause 55 of the Planning Scheme is required.

#### Clause 45.06 – Development Contributions Plan Overlay – Schedule 2:

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 subdivision of residential land. No subdivision component is proposed as part of this application, the provisions of the overlay will be dealt with at a future date as part of any future subdivision application.

#### Clause 52.06 – Car Parking:

Clause 52.06 of the Scheme provides guidance on the amount of on-site car parking that is required to be provide by a given development type, as well as Australian Standards on how parking areas should be designed and constructed.

The construction of a residential dwelling requires the provision of car parking at the following statutory rate:

Use	Rate	Car Parking Measure
Dwelling	1 Car Space	To each one or two bedroom dwelling;
	2 Car Spaces	To each three or more bedroom dwelling;



	1 Car Space	For visitors to every 5 dwellings for developments of 5 or more dwellings;
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As the proposal comprises two dwellings with four (4) bedrooms each, it is required that two (2) spaces be provided on-site for each dwelling. The proposal is consistent with this requirement, demonstrating that two car parking spaces will be provided in each garage servicing each dwelling. Two crossovers are proposed.

It is noted that Council Engineers have requested that crossovers be separated by a minimum distance of eleven (11) metres. Conceptual plans have been prepared by the permit applicant to demonstrate that this can be achieved on site. Council Engineers have reviewed this concept plan and are satisfied with the design response.

Based upon the above considerations the proposed development of two dwellings is consistent with the objectives of Clause 52.06 of the Macedon Ranges Planning Scheme, and provides an acceptable amount of on-site car parking that is consistent with the relevant Design Standards.

#### Clause 53.18 – Stormwater Management in Urban Development:

The purpose of Clause 53.18 is stated as being “*to ensure that stormwater in urban development, including retention and re-use, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits*”. Objectives for stormwater management in relation to development applications outlined in Clause 53.18-5 are as follows:

- *To encourage stormwater management that maximises the retention and reuse of stormwater;*
- *To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site;*
- *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces;*
- *To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system;*

In response to the above objectives the proposed development incorporates a 2500L water tank for each dwelling, for the purposes of collecting stormwater for re-use within the site. The catchment of water and subsequent use for landscaping purposes is consistent with the objectives of Clause 53.18.

In addition to the above, Council Engineers have requested that a STORM report be prepared as part of any approval to adequately ensure that the development site adequately treats and disposes of stormwater that is captured within the site.

Subject to the above considerations, the proposal constitutes an acceptable response to the provisions of Clause 53.18 of the Macedon Ranges Planning Scheme.

#### Clause 55 – Two or More Dwellings on a Lot:

The purpose of the provisions of Clause 55 of the Planning Scheme is “*to achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character*” and “*to encourage residential development that provides reasonable standards of amenity for existing and new residents*”. The standards and objectives of Clause 55 must be adequately satisfied to demonstrate that the proposed development does not result in unreasonable amenity impacts, and is an acceptable response to both the subject site and neighbouring properties.

A response to the standards of Clause 55 is provided as a table below. Clause 55 standards that warrant additional discussion are reviewed in additional detail beneath the assessment table.

Standard	Objectives	Assessment
B1 – Neighbourhood Character	<i>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</i>  <i>To ensure that development responds to the features of the site and the surrounding area.</i>	Complies.  The proposal constitutes an acceptable response with regard to character, that seeks to balance a more contemporary external appearance of the proposed dwellings with comprehensive landscaping, recessive design and separated built form;
B2 – Residential Policy	<i>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>  <i>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</i>	Complies.  The subject site is considered appropriate for infill residential development, and is preferential for some additional housing stock noting the proximity of the site to transport options and activity centres.
B3 – Dwelling Diversity	<i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</i>	Not Applicable.
B4 – Infrastructure	<i>To ensure development is provided with appropriate utility services and infrastructure.</i>  <i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i>	Complies.  The subject site is serviced by mains water, sewer, electricity and gas. The development does not unreasonably alter the demand on the utility services that exist in the area.
B5 – Integration with the Street	<i>To integrate the layout of development with the street.</i>	Complies.  The proposed development is oriented to face Thom Street and dwelling entryways are visible, accessible and clearly defined. The development adopts low fencing, and adequately responds to the streetscape.

B6 – Street Setback	<i>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</i>	Complies.  The proposed development provides for a street setback of 9m, which is the minimum allowable setback required by Standard B6.
B7 – Building Height	<i>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</i>	Complies.  The maximum allowable height under the zone is noted as being 11m. The proposal is well under this, with a maximum overall height shown to be 7.93m above ground level.
B8 – Site Coverage	<i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</i>	Complies.  The submitted plans indicate that the proposal has an overall site coverage of 53.7%, which is within the maximum allowable limit
B9 – Permeability	<i>To reduce the impact of increased stormwater run-off on the drainage system.</i>  <i>To facilitate on-site stormwater infiltration.</i>	Complies.  The proposed development includes 31.9% of the overall site area as permeable areas, which exceeds the minimum requirement of 20%.
B10 – Energy Efficiency	<i>To achieve and protect energy efficient dwellings and residential buildings.</i>  <i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i>	Complies.  The proposed development is designed to make use of eastern and northern light where practical. The proposed development also incorporates adequate setbacks from the southern boundary of the site so as to not unreasonably compromise existing solar panels on abutting properties.
B11 – Open Space	<i>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</i>	Not Applicable.  There is no public or communal Open Space proposed, or existing on any adjoining lots.
B12 – Safety	<i>To ensure the layout of development provides for the safety and security of residents and property.</i>	Complies.  The proposed development adequately responds to Standard B12 via the implantation of visible entranceways, and the adoption of passive surveillance principles such as first floor windows

		overlooking the street, low-scale fencing and a landscaped front yard.
B13 – Landscaping	<p><i>To encourage development that respects the landscape character of the neighbourhood.</i></p> <p><i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</i></p> <p><i>To provide appropriate landscaping.</i></p> <p><i>To encourage the retention of mature vegetation on the site.</i></p>	<p>Complies subject to a condition.</p> <p>Landscaping outcomes can be required via a permit condition, which will incorporate the endorsement and implementation of a comprehensive landscaping outcome for the site. Concept plans indicate that at least nine (9) canopy trees can feasibly be planted within the site.</p>
B14 – Access	<i>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</i>	<b>Discuss in the main body of this report.</b>
B15 – Parking Location	<p><i>To provide convenient parking for resident and visitor vehicles.</i></p> <p><i>To protect residents from vehicular noise within developments.</i></p>	<p>Complies.</p> <p>Car parking provided for each dwelling is shown to be accommodated in a double garage for each dwelling. Garages are provided with direct access to both the internal areas of the dwellings and the side setback areas of each dwelling.</p>
B17 – Side and Rear Setbacks	<i>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</i>	<b>Discussed in the main body of this report.</b>
B18 – Walls on Boundaries	<i>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</i>	<p>Not applicable.</p> <p>The proposed development does not include the construction of any walls on or within 200mm of a side or rear boundary. Minimum setbacks for the proposed development are shown on the plans to be 1200mm.</p>
B19 – Daylight to Existing Windows	<i>To allow adequate daylight into existing habitable room windows.</i>	<p>Complies.</p> <p>Existing habitable room windows are not impacted by the proposed development and have a</p>

		minimum area of 3sqm clear to the sky;
B20 – North Facing Windows	<i>To allow adequate solar access to existing north-facing habitable room windows.</i>	Complies.  Existing north-facing windows of dwellings abutting the subject site are more than 3m from the shared boundary with the subject site.
B21 – Overshadowing	<i>To ensure buildings do not significantly overshadow existing secluded private open space.</i>	Complies.  Overshadowing diagrams provided with the application indicate that abutting open space areas receive adequate sunlight throughout the day.
B22 – Overlooking	<i>To limit views into existing secluded private open space and habitable room windows.</i>	<b>Discussed in the main body of this report.</b>
B23 – Internal Views	<i>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</i>	Not applicable.  The proposed development does not include any opportunity for internal views.
B24 – Noise Impacts	<i>To contain noise sources in developments that may affect existing dwellings.</i>  <i>To protect residents from external noise.</i>	Complies. Gas Meters and Hot Water Systems for each proposed dwelling are shown to be adequately separated from adjoining dwellings, and are not directly abutting any bedroom areas.
B25 – Accessibility	<i>To encourage the consideration of the needs of people with limited mobility in the design of developments.</i>	Complies.  Dwelling entryways are accessible and provide equitable access for people with varied mobility skills. Each dwelling includes a bedroom at ground floor to provide the ability to accommodate people with limited mobility.
B26 – Dwelling Entry	<i>To provide each dwelling or residential building with its own sense of identity.</i>	Complies.  Dwelling entryways are identified clearly within the dwelling design with porch ways and readily identifiable doors. The spaces adequately provide shelter and a transitional space between the

		internal and external areas of the site.
B27 – Daylight to New Windows	<i>To allow adequate daylight into new habitable room windows.</i>	Complies.  New habitable room windows are provided with adequate daylight access.
B28 – Private Open Space	<i>To provide adequate private open space for the reasonable recreation and service needs of residents.</i>	Complies.  Secluded Private Open Space areas for each dwelling are shown to have minimum dimensions of 3m, with areas exceeding 25m <sup>2</sup> in accordance with the requirements of the Standard.
B29 – Solar Access to Open Space	<i>To allow solar access into the secluded private open space of new dwellings and residential buildings.</i>	Complies.  Open Space areas provided for each dwelling are sited to make use of eastern and northern light. Open space areas receive adequate solar access in accordance with the requirements of the Standard.
B30 – Storage	<i>To provide adequate storage facilities for each dwelling.</i>	Complies.  Each dwelling is provided with at least 6m <sup>3</sup> of easily accessible storage facilities. Storage areas for each dwelling are shown to be extensions to the garages.
B31 – Design Detail	<i>To encourage design detail that respects the existing or preferred neighbourhood character.</i>	Complies.  The design detail of the proposed development includes some contemporary elements (render, flat roof to ground floor walls) – but also includes elements that tie the proposal to the existing streetscape, including an appearance of one dwelling, pitched roof form, recessive upper floors and adequate boundary setbacks.
B32 – Front Fences	<i>To encourage front fence design that respects the existing or preferred neighbourhood character.</i>	Complies.  Front fencing is shown to be low-scale in height (being a maximum of 1200mm) and is comprised of a mix of rendered piers and metal infill panels, which provide good



		visibility into the front setback area of the site.
B33 – Common Property	<i>To avoid future management difficulties in areas of common ownership.</i>	Not Applicable.  The proposed development does not include any common property components.
B34 – Site Services	<i>To ensure that site services can be installed and easily maintained.</i>  <i>To ensure that site facilities are accessible, adequate and attractive.</i>	Complies.  The submitted plans show site services for each dwelling conveniently located with access from the front yard, in locations that do not detract from the front setback areas of the site.

The following standards require additional scrutiny to determine compliance with the relevant objectives and standards of the Macedon Ranges Planning Scheme:

#### Standard B14 – Access:

Standard B14 of Clause 55 requires that development adequately meet the following criteria:

- *Width of access ways should not exceed 33%;*
- *No more than one single-width crossover should be provided for each dwelling fronting a street;*
- *Crossover location should maximise the retention of on-street car parking spaces;*

The proposal complies with the relevant criteria. The subject site includes a crossover with a total width of 21.2m. Decision plans show that a proposed and an existing crossover (of 3m and 3.5m width respectively) are sought. This design outcome is already compliant with Standard B14, however it is noted that concept plans have been prepared by the applicant in response to MRSC Engineering comments to enact minor changes to the crossover locations. The changes result in 3 metre wide crossovers.

The total amount of driveways across the frontage of the site represented as a percentage equates to 28.3%, which is within the allowable limit of 33% of the frontage.

Driveway locations do not compromise the ability of vehicles to park along the street. A separation of 8m between driveways, as required by Council Engineers, can be required by permit condition and will ensure that vehicles can be parked in between the access ways of each dwelling.

On the basis of the above considerations, the proposed development complies with the requirements of Standard B14. Permit conditions will require the modification of the access way design in accordance with concept plans provided by the applicant, which will further improve the response of the site with regard to the provisions of B14.

#### Standard B17 – Side and Rear Setbacks:

Standard B15 of Clause 55 requires that development incorporate appropriate setbacks to ensure that the height of a new building in relation to site boundaries does not unreasonably impact upon adjoining properties.

The required setback of walls is calculated via the following criteria:

*“A new building not on or within 200mm of a boundary should be setback from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres”*

The following table provides an assessment of the various wall heights proposed by the development, to determine compliance with the requirement of Standard B17.

Location (relevant boundary)	Wall height	Setback required	Setback provided	Compliance
Unit 1 Garage (south)	3.84m	1.07m	1.2m	Yes
Unit 1 Ground floor master bedroom (south)	3.59m	1m	1.91m	Yes
Unit 1 Ground floor pantry/laundry (south)	3.77m	1.05m	1.5m	Yes
Unit 1 Ground floor dining/living (east)	3.77m	1.05m	3.94m	Yes
Unit 1 First floor bed 2/rumpus/bed 4 (south)	5.596m	1.59m	2.685m	Yes
Unit 1 First floor bed 3/bed 4 (east)	5.596m	1.59m	10.825m	Yes
Unit 2 Garage/master bedroom/theatre (north)	3.665m	1.22m	1.78m	Yes
Unit 2 Ground floor pantry/kitchen (north)	3.665m	1.22m	1.5m	Yes
Unit 2 Ground floor living/dining (east)	3.665m	1.22m	2.69m	Yes
Unit 1 First floor Bed 2/bathroom (north)	5.77m	1.65m	3.2m	Yes
Unit 2 First floor bed 3/bed 4 (north)	5.77m	1.65m	4.6m	Yes
Unit 2 bed 4/rumpus (east)	5.77m	1.65m	10.825m	Yes

The above table indicates that the proposed development is adequately setback from all property boundaries and achieves adequate compliance with Standard B17 of Clause 55.

#### Standard B22 – Overlooking:

Standard B22 of Clause 55 requires that *“a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level”*.

The ground floor windows of both dwellings are abutting existing 1.5m high paling fences. Pursuant to the requirements of Standard B22, a visual barrier for a ground floor window must be a minimum height of 1.8m. To appropriately ensure ground floor windows are adequately screened, a condition should be added to any issued planning permit to require the construction of new timber paling fences, to be a height of 1.8m, to be constructed at

the cost of the developer. The adoption of this conditional requirement will ensure that ground floor windows do not result in any overlooking impacts.

In addition to the above, it is noted that first floor windows are largely compliant with Standard B22, with the habitable room windows of each dwelling that face north and south adequately screened with translucent glass to a height of 1.7m above the Finished Floor Level (FFL). East facing windows of each dwelling do not have screening, and are shown to be setback more than 9m from the eastern boundary of the site.

Unit 2 and Unit 1 Bedroom 3 are adequately setback to avoid overlooking impacts, although it appears that Unit 1 Bedroom 4 has an oblique viewing angle opportunity across the southern boundary that will not achieve compliance with Standard B22. In response to this, a permit condition should be added to any issued permit to require that the Unit 1 First Floor Bedroom 4 east facing window be modified to achieve appropriate compliance with Standard B22.

Subject to the conditions discussed above, the proposed development can adequately respond to the overlooking opportunities present within the design and achieve compliance with the requirements of Clause 55 of the Macedon Ranges Planning Scheme.

### Response to Objections:

Objection Concern	Response
There are inconsistencies between existing conditions plans and existing built form;	Existing conditions plan is accurate with regard to notable site features such as dwelling locations, setbacks, placement of habitable windows and the location of outbuildings, pools etc.
The two-storey form is not consistent with the streetscape pattern;	Dwellings in the surrounding streetscape are a mix of single and double-storey form. Single-storey form is dominant, however emerging patterns of double-storey form are beginning to occur in nearby Streets.
There are no two-unit developments nearby;	Whilst the majority of nearby dwellings are single dwellings on a lot of land, there are examples of townhouse development that has occurred – notably at 23, 28 and 29 Farrell Street.
The proposal will negatively impact nearby property values;	The impact of development on properties is speculative and difficult to predict. Ultimately the impact of development on land values is not a planning consideration.
The proposed height of the dwellings is excessive;	The maximum height allowed by the zone (the GRZ1) is eleven metres (11m), with a maximum allowance for three storeys. The proposed development is well within these parameters, and is acceptable with regard to the applicable Planning Controls that apply to the land.
Nearby properties will look at an 8m high wall;	The height of walls on boundaries is shown to be a maximum height of 5.95m above the

	natural ground level. The proposal does not include an 8m high wall.
Overlooking impacts will detrimentally impact neighbouring properties;	All habitable room windows within the development with the exception of the Unit 1 bedroom 4 east facing window are compliant with Standard B22 (Overlooking). Conditions could be applied to any issued permit to require the Unit 1 bedroom 4 east facing window to be adequately screened to manage any amenity impacts from overlooking.
The landscape plan is inconsistent with the development plan;	The landscape plan is not inconsistent with the development plan. Development plans include conceptual canopy trees, whilst landscape plans provide detailed information about future planting. Should a permit be granted, landscaping will be required to be carried out in accordance with an endorsed landscape plan.
The proposal will create parking issues;	The proposed development is compliant with the requirements of Clause 52.06 (Car Parking). In addition, the proposal was referred to MRSC Engineers as part of the application process, who did not raise any concerns with the impact of the proposal on the road network.
Conceptual plans do not create a realistic view of the proposal;	Conceptual perspective images do not provide a 1:1 realistic view of a future development proposal but serve to assist in visualising the general style and appearance of a development. Officers rely on scaled site plans and elevations in making determinations, and these plans are accurate and complete.
The creation of a commercial development in an established residential area is inappropriate;	The application seeks approval for the construction of two residential dwellings. There is no commercial component proposed as part of this application.
Proposed landscaping could undermine the stability of neighbouring properties;	A permit condition could be applied to any issued approval to require plantings along boundaries to be specimens with limited root systems to ensure no intrusion occurs.
It is unclear whether canopy trees are to be deciduous or not;	A permit condition could be applied to any issued approval requiring canopy trees to be deciduous or non-deciduous.
The proposal will result in a loss of amenity;	The proposal demonstrates acceptable compliance with the provisions of Clause 55 of the Macedon Ranges Planning Scheme, which are designed to ameliorate amenity

	impacts of new residential development. The proposal is considered to not result in unreasonable amenity impacts.
The proposal is a gross-overdevelopment;	The addition of one additional dwelling on the land is not considered to be a gross-overdevelopment, and is in accordance with the relevant provisions of the Macedon Ranges Planning Scheme regarding settlement planning, priority of development within townships, and incremental increase in varied housing supply.
The proposal will set a precedent for future development to occur;	The proposed development does not set a precedent for future development. Development opportunity is regulated by the applicable Strategic Planning context applied to the land by the relevant zoning and overlays, and development applications must demonstrate compliance with the applicable strategic direction.

### 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

The proposed development of two dwelling on the subject land is consistent with the Planning Policy Framework, the purpose of the Zone, and the criteria of particular provisions of the Planning Scheme including Clause 55 (Two or more dwellings on a lot).

The proposed development is of an acceptable design that appropriately manages amenity impacts on external properties and contributes to an improved housing stock in the New Gisborne Township. It is recommended that the notice of decision to grant a permit be issued.



## Attachment 1 - Conditions

Planning Delegated Committee Meeting – 14 June 2023  
APPLICATION FOR PLANNING PERMIT PLN/2022/376 –  
DEVELOPMENT OF THE LAND FOR TWO (2) DWELLINGS – 1  
THOM STREET NEW GISBORNE

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1. Prior to the commencement of development, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted and advertised but modified to show:
  - a) Modification to the Unit 1 Bedroom 4 east facing window to comply with Standard B22 – Overlooking of Clause 55 of the Macedon Ranges Planning Scheme;
  - b) Replacement of the existing 1.5m fencing along the property boundaries with 1.8m high timber paling fences;
  - c) A notation added to the plans confirming that new boundary fencing is to be installed and paid for in full by the owner of 1 Thom Street prior to the completion of development;
  - d) A Stormwater management strategy along with STORM calculations, or MUSIC calculations or equivalent (i.e. as Deemed to Comply with Melbourne Water requirements);
  - e) The vehicle crossovers for the proposed Units modified to be consistent with the outcome shown on the driveway re-alignment concept plan, prepared by Roda Developments, dated 1 March 2023, and made to comply with Macedon Ranges SD004 (Residential Concrete Crossing);
  - f) Landscape Plan in accordance with Condition 3 of this permit.
2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
3. Before the development commences, 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 landscaping plan must be generally in accordance with the landscape concept plan dated 12/22 prepared by Zenith Concept Pty Ltd. The plan must show:
  - a) Any plan amendments required by this permit;
  - b) A survey of all existing vegetation and natural features;
  - c) The area or areas set aside for landscaping;





- d) A schedule of all proposed trees, shrubs/small trees and ground cover.
  - e) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
  - f) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
  - g) Appropriate irrigation systems;
  - h) Plantings along the southern boundary of the site modified to be vegetation with shallow root systems;
  - i) Canopy trees specified as being either deciduous or non-deciduous;
4. Unless with the prior written consent of the Responsible Authority, before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.
5. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the Responsible Authority.

**MRSC Engineering Unit conditions**

6. 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
7. 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.
8. Stormwater shall be discharged to the nominated legal point of discharge to the requirements of the Responsible Authority. In this regard, no water must be discharged from any pipe or paved area onto the surface of any adjacent land.
9. Prior to the occupation of the development, the existing crossover within Thom Street must be constructed to a sealed surface to the satisfaction of the Responsible Authority.
10. Prior to the occupation of the development, the driveway to the dwelling must be constructed to meet the following requirements to the satisfaction of the Responsible Authority:







- a) The driveway, including any waterway crossing, 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 3.5m, be clear of encroachments 4 metres vertically and have no obstructions within 0.5m on either side of the formed width of the driveway.
- c) Curves must have a minimum inner radius of 10 metres.
- d) 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.
- e) Dips must have no more than a 1 in 8 entry and exit angle.

#### **Melbourne Water Conditions**

- 11. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- 12. Local drainage must be to the satisfaction of Council.

#### **Expiry of Permit – Development**

- 13. 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.

In accordance with Section 69 of the Planning and Environment Act 1987 an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

#### **Permit Notes**

- Future owners of the land must be made aware of the existence of this permit.



**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.		✓			
		Manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced.	✓			The proposal is located in an area that does not have any direct relationship with significant views or vantage points.
		Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.			N/A	No native vegetation is proposed to be removed as part of the application.
		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				N/A	The site is not located in an area with identified environmental values.
		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			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
		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.				N/A	The proposed development does not have any interaction with areas of identified post-contact heritage significance.
		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.			N/A	
		Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.			N/A	
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 contain 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 farming, water reuse, technologies to enable farming to adapt and respond to emerging and niche markets).			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
		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.	<b>To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.</b>		✓			The proposal does not have any linkages to the tourism industry of the Macedon Ranges Shire. The proposal is respectful of the existing neighbourhood character.
		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.	✓			The proposed development is responsive to the existing character and balances incremental change with the need to be respectful of existing streetscape characteristics.

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 proposal achieves a balance between facilitating additional needed housing stock and a considered response to the existing streetscape character of the area.
		Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.	✓			The subject site is well located with respect to community services and infrastructure. Gisborne is identified as a Regional Centre in the Macedon Ranges and is expected to accommodate additional population growth. Development within the township boundaries is preferable to increased development pressure in areas of environmental and agricultural significance.
		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 proposal is responsive to existing character, notably through setbacks and comprehensive landscaping, and should be supported.
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.			N/A	
		Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.	✓			Increased residential development in township areas is considered to contribute to a diverse housing stock available within the Gisborne Township.
		Encourage provision of an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services.			N/A	
		Encourage the use of voluntary Cultural Heritage Management Plans.			N/A	

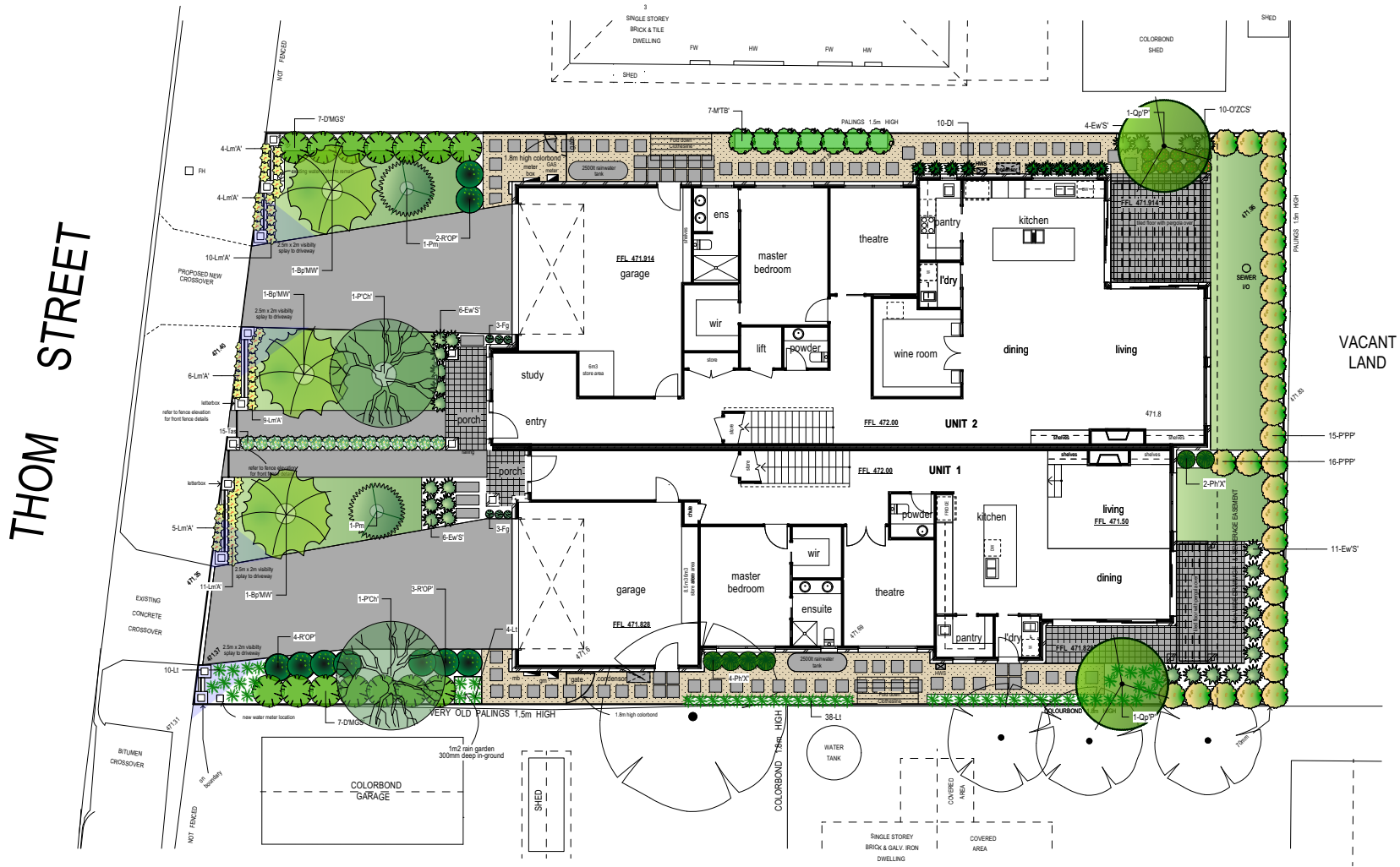
Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
9.	To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.		✓			
		Provide timely infrastructure and services to meet community needs in sequence with development.	✓			The site is connected to mains infrastructure. A development contribution will be required as part of any future subdivision application.
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.	✓			The site has adequate transport connections, being equidistant to the Calder Freeway and Bendigo Railway Line.
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.	✓			Access to the Bendigo V-Line service provides access to public transport for future residents.
		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.	✓			The proposal is not considered to alter the expected demand placed upon existing infrastructure.
		Ensure equitable access to community infrastructure.	✓			The site is centrally located and future residents will have convenient access to community services.
		Encourage the use of active and public transport by planning infrastructure and facilities in accessible locations, and improve walking and cycling routes.		X		The proposal is not of a scale that warrants the construction of additional community infrastructure.
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	



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 bushfire risks while also retaining valued biodiversity and landscape character.			N/A	
		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	

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Advertised



PLANTING SCHEDULE						
	ID	Qty	Common Name	Botanical Name	Height @ Maturity (m)	Width @ Maturity (m)
<b>Trees</b>						
	BpMW	3	Moss White Silver Birch	Betula pendula 'Moss White'	8.0m	3.5m
	Pm	2	Chinese Plum	Prunus mume (Weeping Standard)	2.5m	2.5m
	PCh	2	Ornamental Pear	Pyrus calleryana 'Charitcotee'	8.0m	4.0m
	QpP	2	Green Pillar Pin Oak	Quercus palustris 'Dragonsp' Green Pillar	14m	3.0m
<b>Shrubs &amp; Groundcovers</b>						
	DMGS	14	Mr. Green Sheen Shrub	Chloranthus 'Mr. Green Sheen'	3.0m	1.2m
	EwP	27	Dwarf Spurge	Euphorbia wulfenii 'Dwarf Spurge'	0.7m	0.7
	MTS	7	Teddy Bear	Magnolia grandiflora 'Teddy Bear'	3.0m	1.0m
	OZCS	10	African Daisy	Osteospermum 'Zinn Copper Amethyst'	0.2m	0.5m
	PhK	6	Katana	Philadelphus 'Katana'	1.0m	0.8m
	PPP	31	Perfected Pillar	Philadelphus 'Perfected Pillar'	3.0m	1.0m
	RCOP	9	Oriental Pearl Indian Hawthorn	Raphanopappus 'Oriental Pearl'	1.0m	1.0m
	Ta	15	Granddove Jasmine	Tasmaniancorymbium 'Granddove'	0.2m	0.8m
<b>Grasses</b>						
	DI	10	Pale Flax Lily	Dianella longistylis	0.6m	0.6m
	Fg	6	Blue Fescue	Festuca glauca	0.3m	0.3m
	LmK	49	Amethyst	Liriodendron 'Amethyst'	0.4m	0.4m
	LI	52	Tanika	Lomandra 'Tanika'	0.6m	0.6m

EXISTING TREES - ADJOINING SITE

PAVERS

GRAVEL

DROUGHT TOLERANT LAWN (Buffalo or similar)

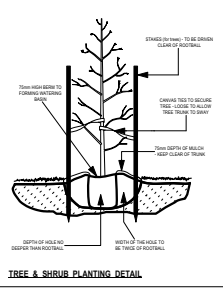
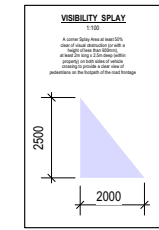
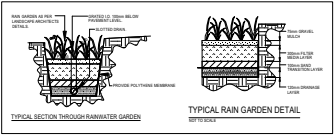
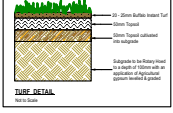
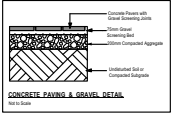
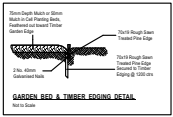
TILES

CONCRETE IN MUTED TONE

AUTOMATIC DRIP IRRIGATION SYSTEM INSTALLED TO WATER GARDEN BEDS

TIMBER EDGING INSTALLED TO SEPARATE LAWN, GARDEN BEDS & GRAVEL

ALL GARDEN BEDS TO HAVE MINIMUM 75MM LAYER OF DARK-COLOURED COMPOSTED MULCH (e.g. Black Pine Bark or Mushroom Compost)



**LANDSCAPE CONSTRUCTION SPECIFICATIONS**

**LANDSCAPE PREPARATION**  
Site preparation to be carried out under suitable conditions and in accordance with standard horticultural practices. The soil of the site must be tested for fertility and pH and amended as required. Garden bed and lawn sub-grade to be collected to a depth of 150mm and shaped to achieve drainage to the street. If gravel is required, this to be distributed and subsoiled into the sub-grade as per the manufacturer's instructions. Gravel to be removed prior to sub-grade preparation, topsoil and planting.

**SOIL PREPARATION**  
Topsoil to be supplied by an approved supplier to a depth of approximately 100-150mm and amended to garden beds. To be spread in evenly. The spread to be light to medium. Gravel to be supplied by an approved supplier to a depth of approximately 100-150mm and amended to garden beds. To be spread in evenly. The spread to be light to medium. Gravel to be removed prior to sub-grade preparation, topsoil and planting.

**TIMBER EDGING**  
Timber edging to be installed to separate all lawn, planting areas and timber edging (existing) areas. The timber edging to be installed to the street. The timber edging to be installed to the street. The timber edging to be installed to the street.

**PAVERS AND PLANTING**  
Pavers and planting to be installed to the street. The pavers and planting to be installed to the street. The pavers and planting to be installed to the street.

**IRRIGATION**  
An automatic drip irrigation system is to be installed to water all planting areas.

**Zenith Concepts Pty Ltd**

Landscape Design

171 Abbott Street Sandringham VIC 3191

W: www.zenithconcepts.com T: 03 9598 2129 E: landscape@zenithconcepts.com

**PROPOSED LANDSCAPE PLAN**

ADDRESS 1 Thom Street, New Gisbourne

PROJECT Proposed Dual Occupancy

CLIENT L. & P. Piacentini

A

1020

REVISION

DATE

DATE

10/06/2023

BY

AC

DATE

10/06/2023

BY

AC

DATE

10/06/2023

BY

AC

Item 8.2 - Attachment 3

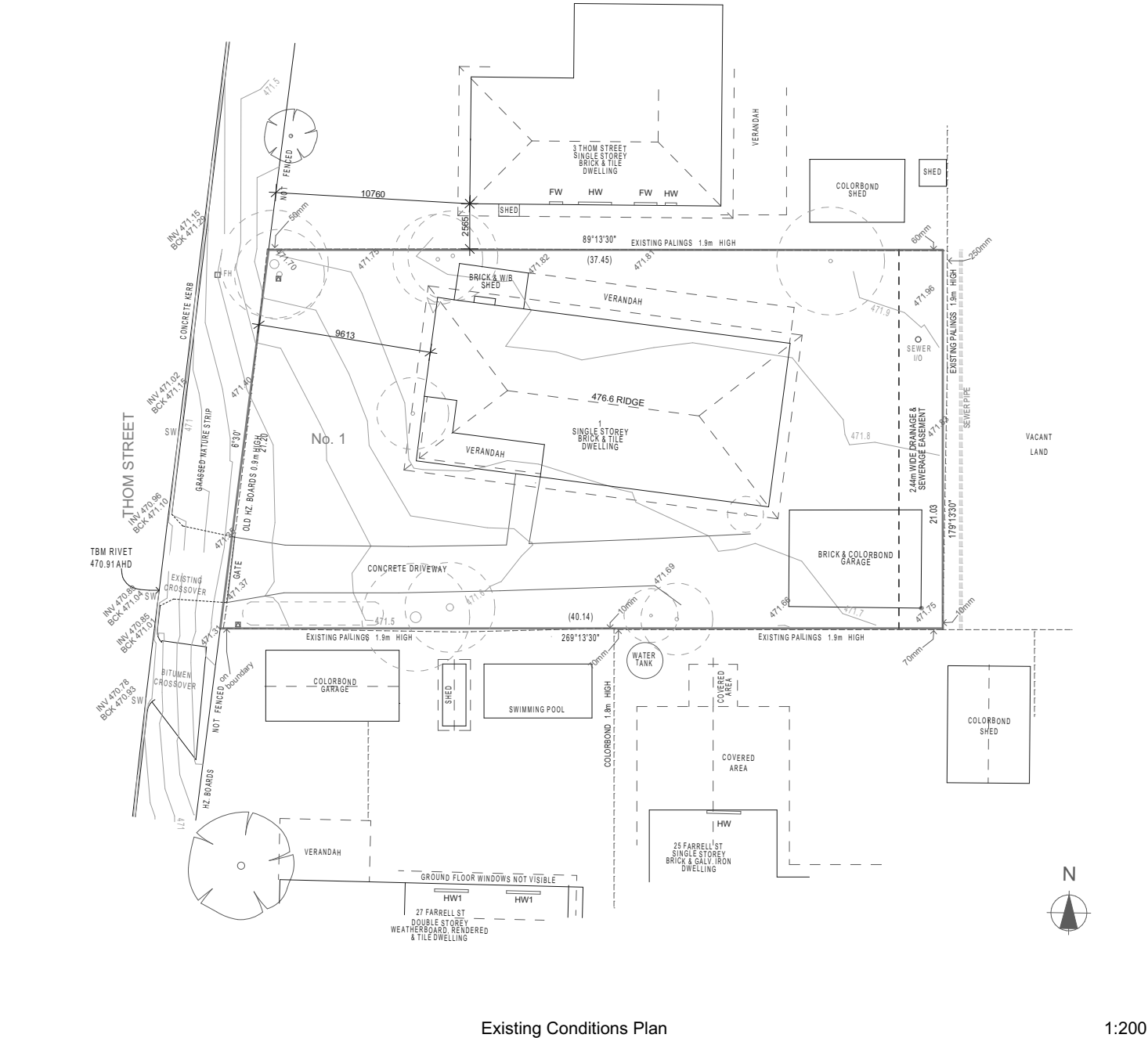
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DOCUMENTATION SET

- page 1. Title page
- page 2. Existing Conditions Plan
- page 3. Neighbourhood Context Plan
- page 4. Proposed Site Plan
- page 5. Site Context Plan
- page 6. Shadow Diagrams
- page 7. Ground Floor Plan
- page 8. First Floor Plan
- page 9. Elevations
- page 10. Front fence, Streetview & External Colours/Materials
- page 11. Vegetation/Tree Plan



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				<div>07/12</div>	<div>Council Email</div>	PLANNING
				<div>01/03</div>	<div>Revised crossover locations</div>	Drawn By: Millissa Vitali
						Date issued: 12.09.22
						Sheet Number: 1 of 11 <small>Thom Street PL01e.pln</small>



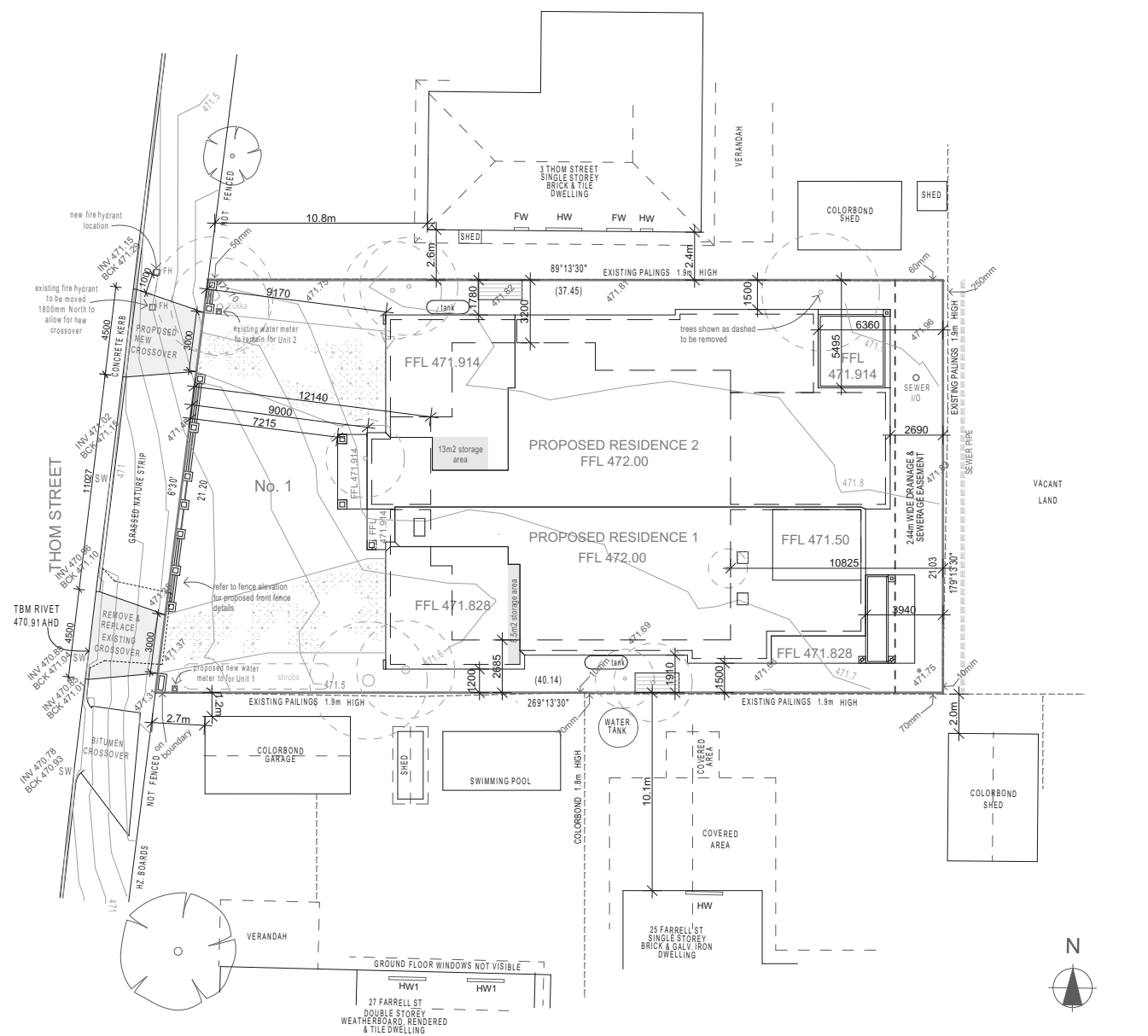
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				02/12	Council RFI Plans	PLANNING
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Neighbourhood Context Plan

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				Date	Revision:																						
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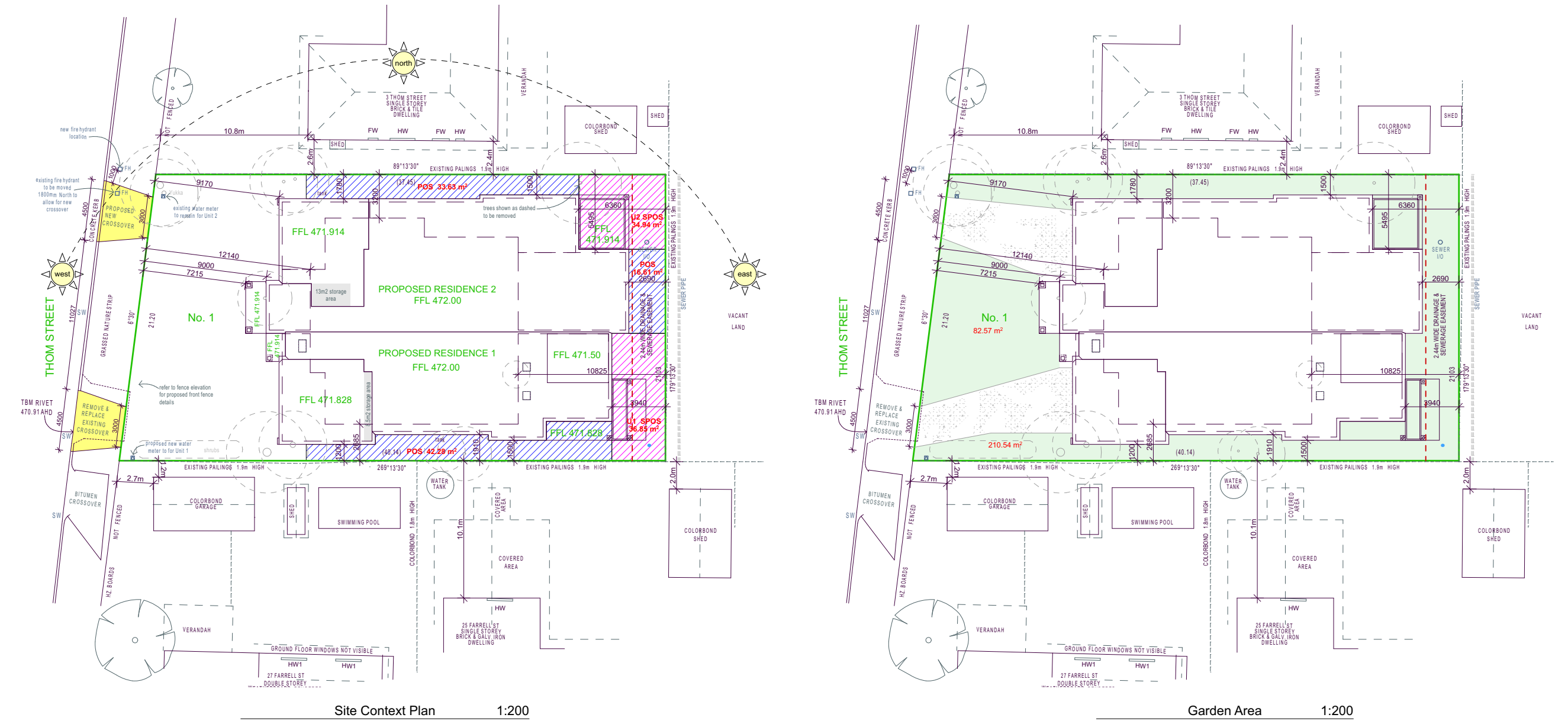


Proposed Site Plan / Design Response 1:200

THERE ARE NO  
SIGNIFICANT VIEWS TO  
OR FROM THE SITE

THERE ARE NO  
SIGNIFICANT TREES  
WITHIN THE SUBJECT  
SITE

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				07/12	Council Email	PLANNING
				01/03	Revised crossover locations	Drawn By: Millissa Vitali
						Date issued: 12.09.22
						Sheet Number: 4 of 11



SITE CONTEXT PLAN

- STREET SETBACK:**  
9000mm from Thom Street boundary which is minimum setback.
- BUILDING HEIGHT:**  
Proposed residence does not exceed 11000mm (refer to elevation for N.G.L. to ridge line).
- SITE COVERAGE:**  
- Site Area: 816.00m<sup>2</sup>  
- Building Areas: 438.46m<sup>2</sup>  
- Site Coverage: 53.7%
- PERMEABILITY:**  
260.39m<sup>2</sup> of the site is permeable (31.9%).
- GARDEN AREA:**  
293.11m<sup>2</sup> of the site is garden area (35.7%).
- PARKING:**  
2 car parks provided, per dwelling.
- SIDE & REAR SETBACKS:**  
As shown on site context plan.
- WALLS ON BOUNDARIES:**  
No walls on boundaries.
- DAYLIGHT TO EXISTING WINDOWS:**  
Sufficient daylight is available to existing habitable room windows on adjacent sites.
- NORTH FACING WINDOWS:**  
Not applicable - no north facing habitable room windows within 3m of any boundaries.
- OVERSHADOWING OPEN SPACE:**  
Sunlight to the private open space of the existing dwellings is not reduced, refer to shadow diagrams.

- OVERLOOKING:**  
No overlooking into private open space to or habitable room window of adjoining dwellings visible within 9m.
- DAYLIGHT TO NEW WINDOWS:**  
All new habitable rooms have access to daylight.
- PRIVATE OPEN SPACE:**  
Residence #1  
Secluded private open space = 36.85m<sup>2</sup>  
Total private open space = 79.13m<sup>2</sup>  
  
Residence #2  
Secluded private open space = 34.94m<sup>2</sup>  
Total private open space = 85.18m<sup>2</sup>
- FENCES:**  
1.2m high rendered brick piers with metal infill panels to proposed front fence.

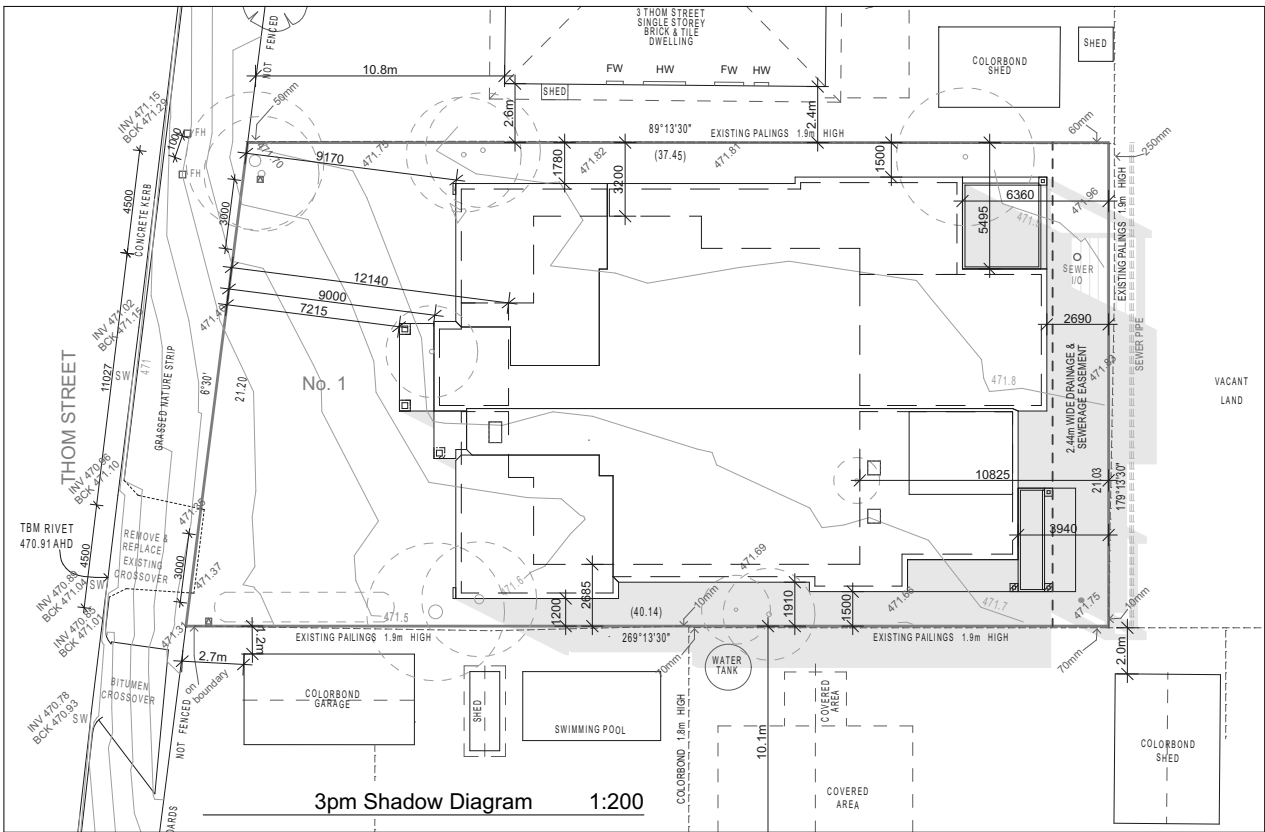
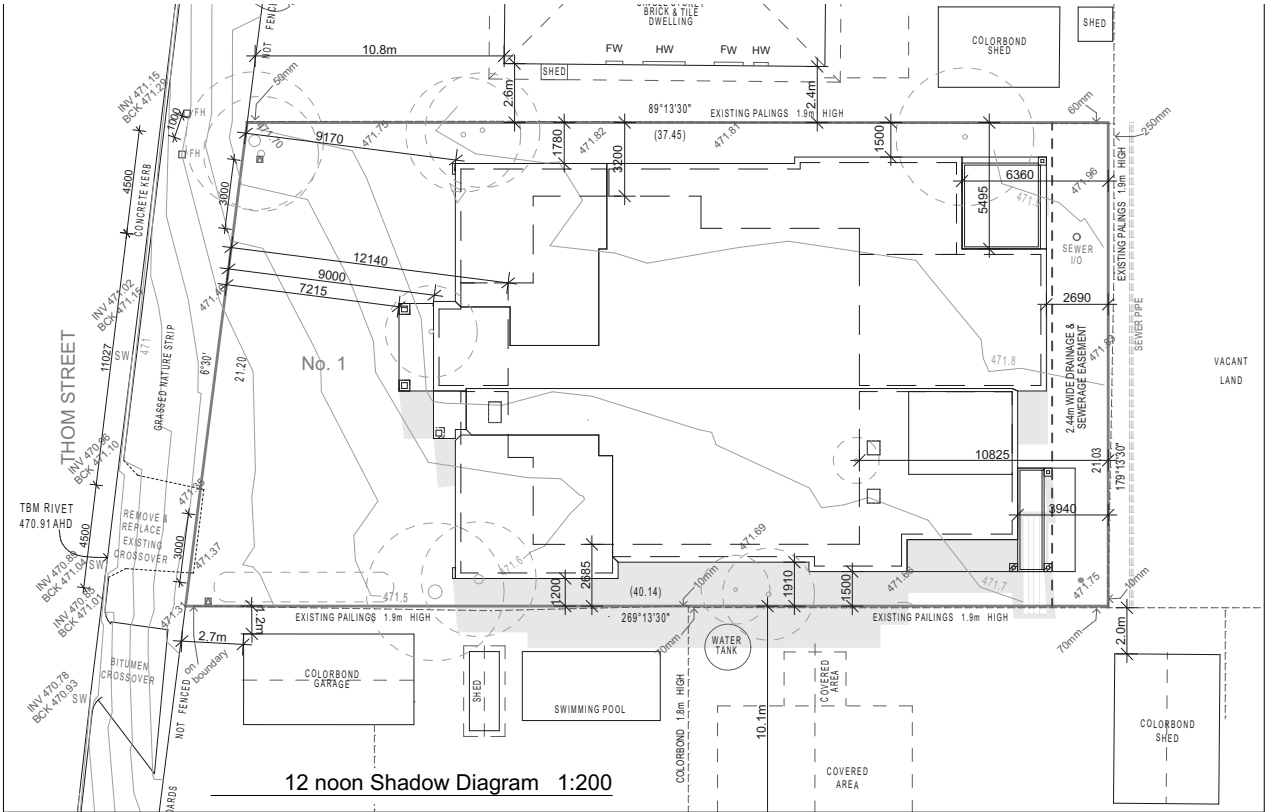
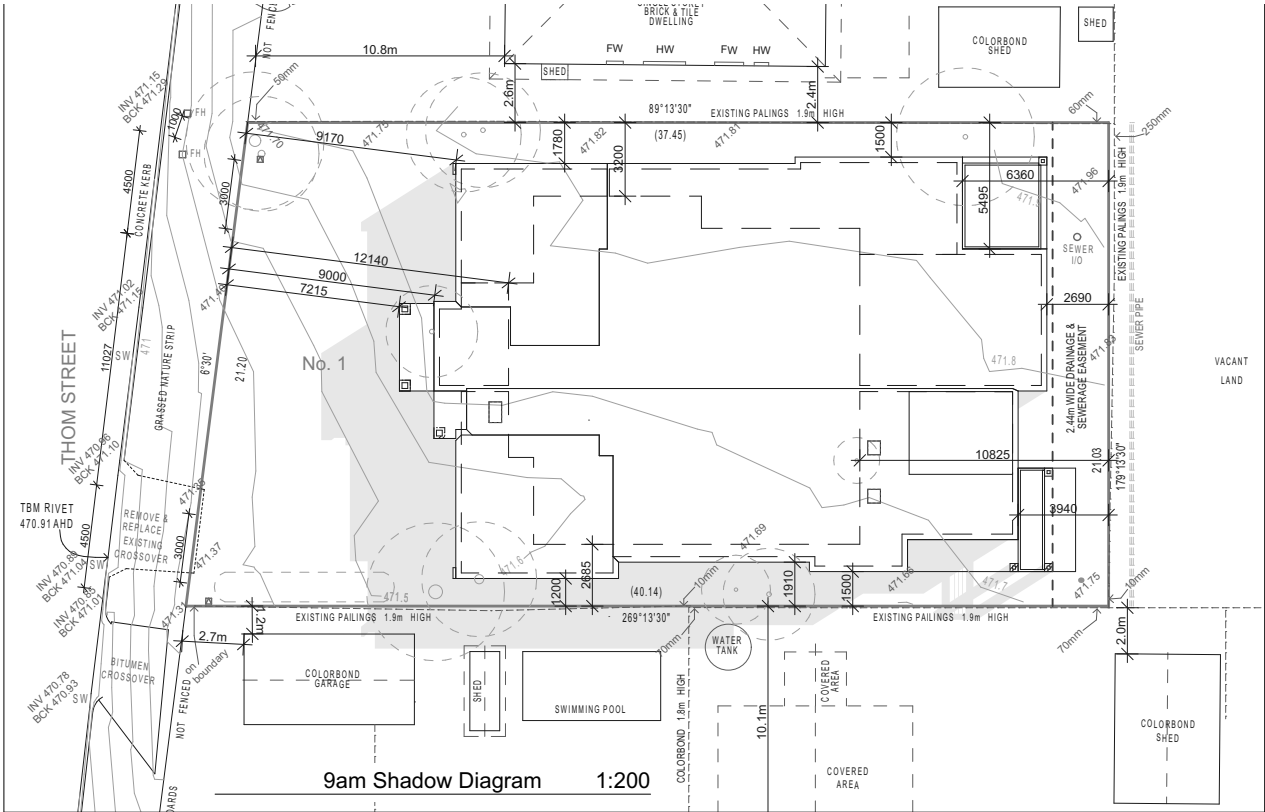
LEGEND:

- = Garden Area
- = Private Open Space
- = Secluded Private Open Space



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1 THOM STREET,  
NEW GISBOURNE, 3438

PROPOSED NEW DUAL OCCUPANCY

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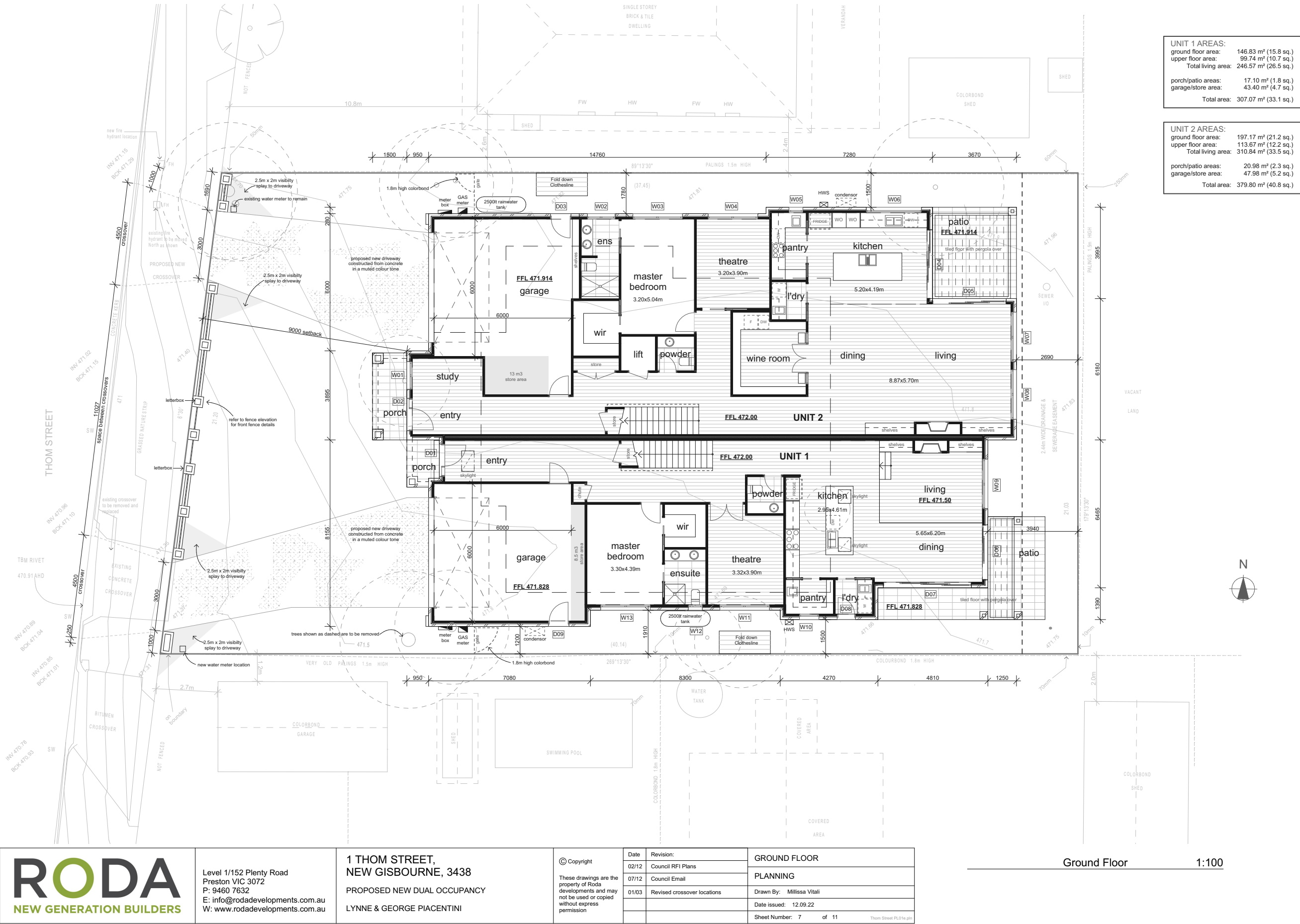
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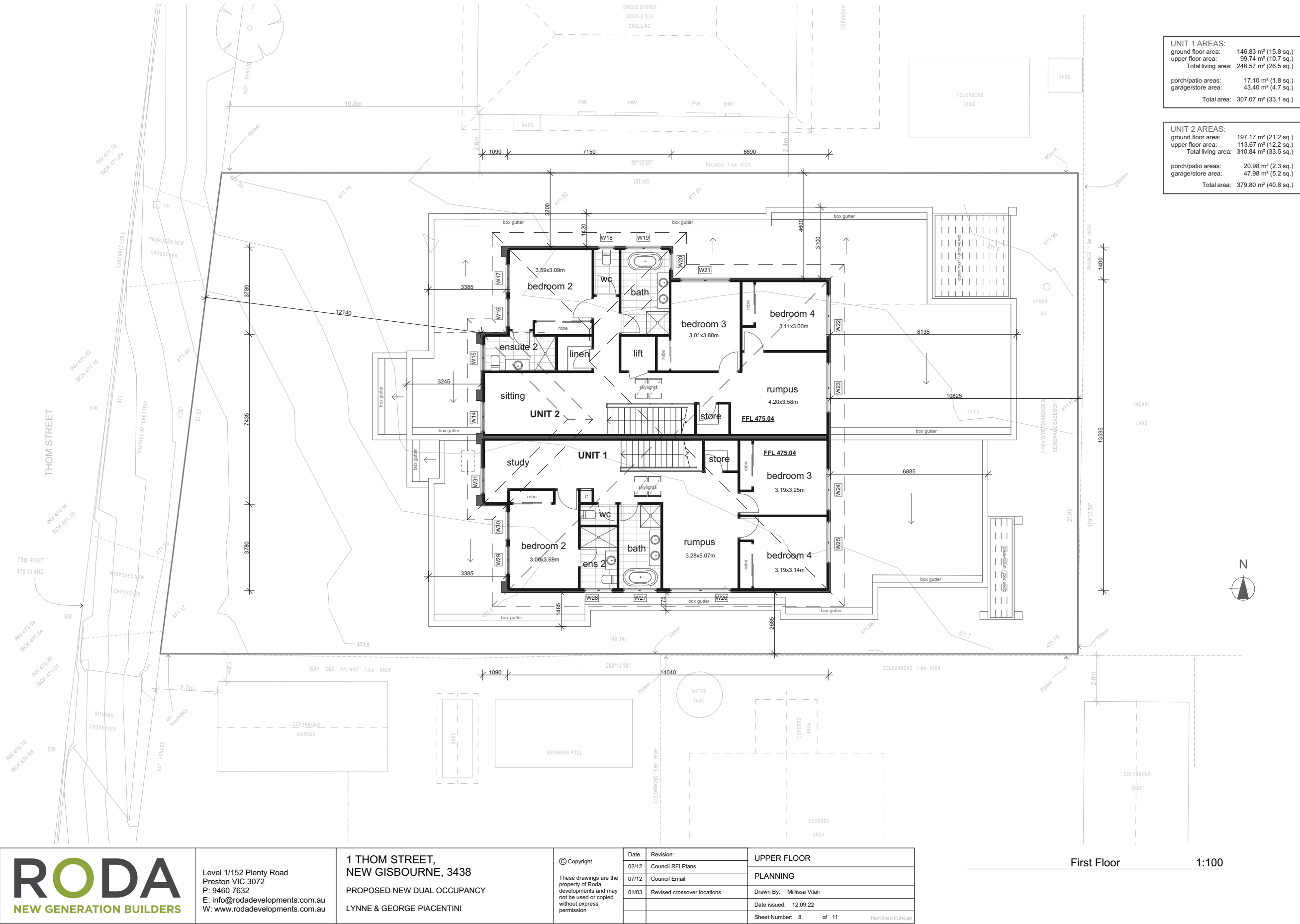
Date	Revision:	SHADOW DIAGRAMS
02/12	Council RFI Plans	
07/12	Council Email	
01/03	Revised crossover locations	
		PLANNING
		Drawn By: Millissa Vitali
		Date issued: 12.09.22
		Sheet Number: 6 of 11

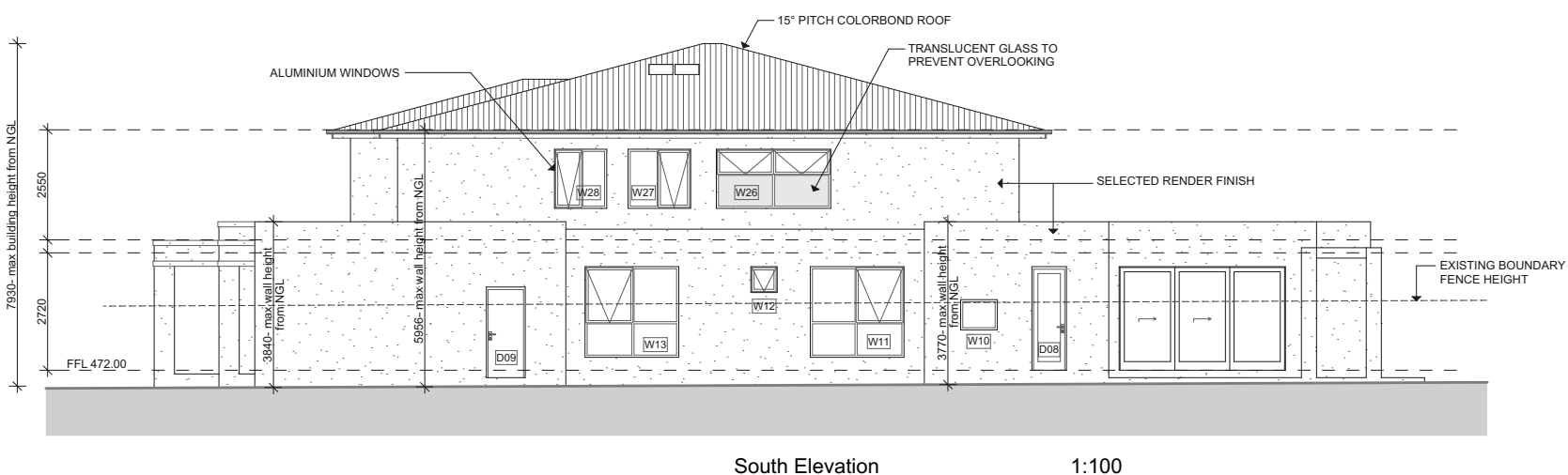
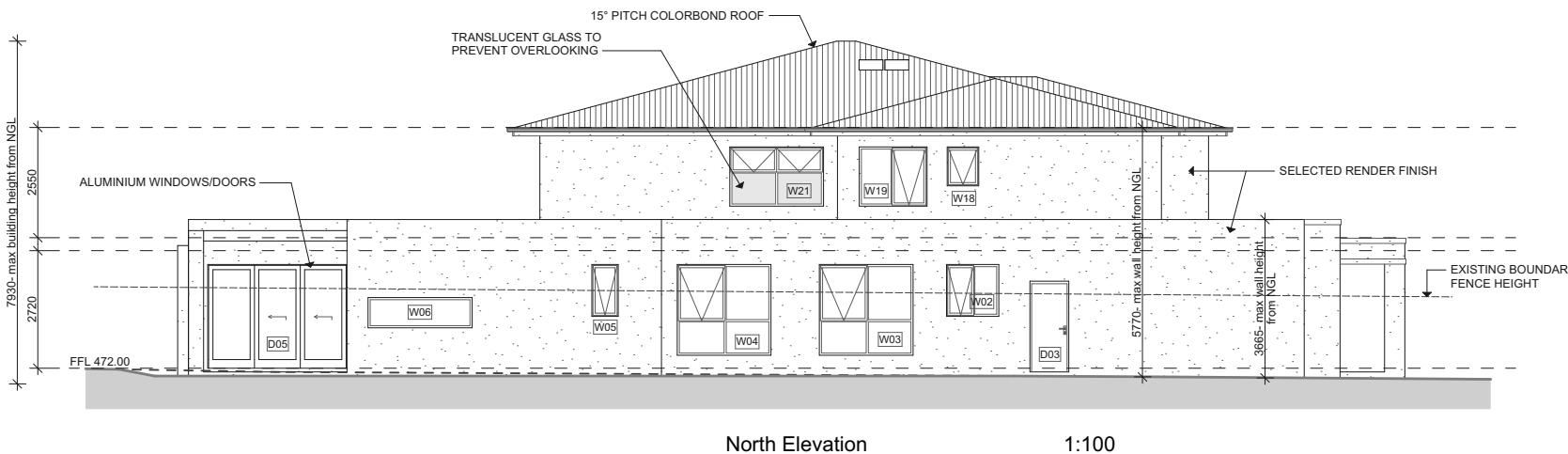
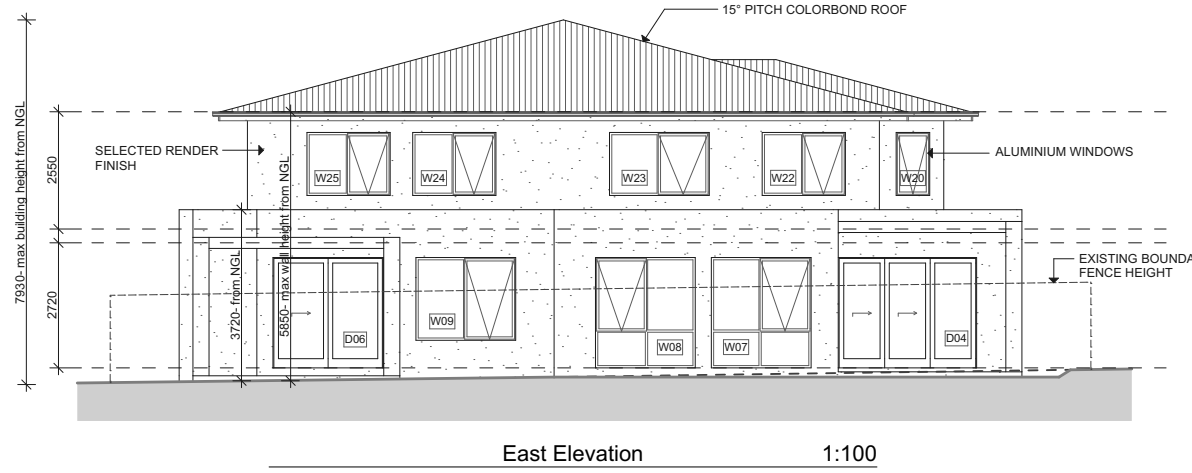
Thom Street PL01e.ppt

Item 8.2 - Attachment 4

Page 101

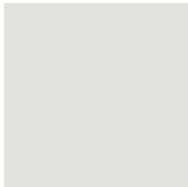
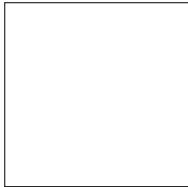
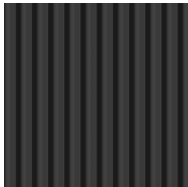







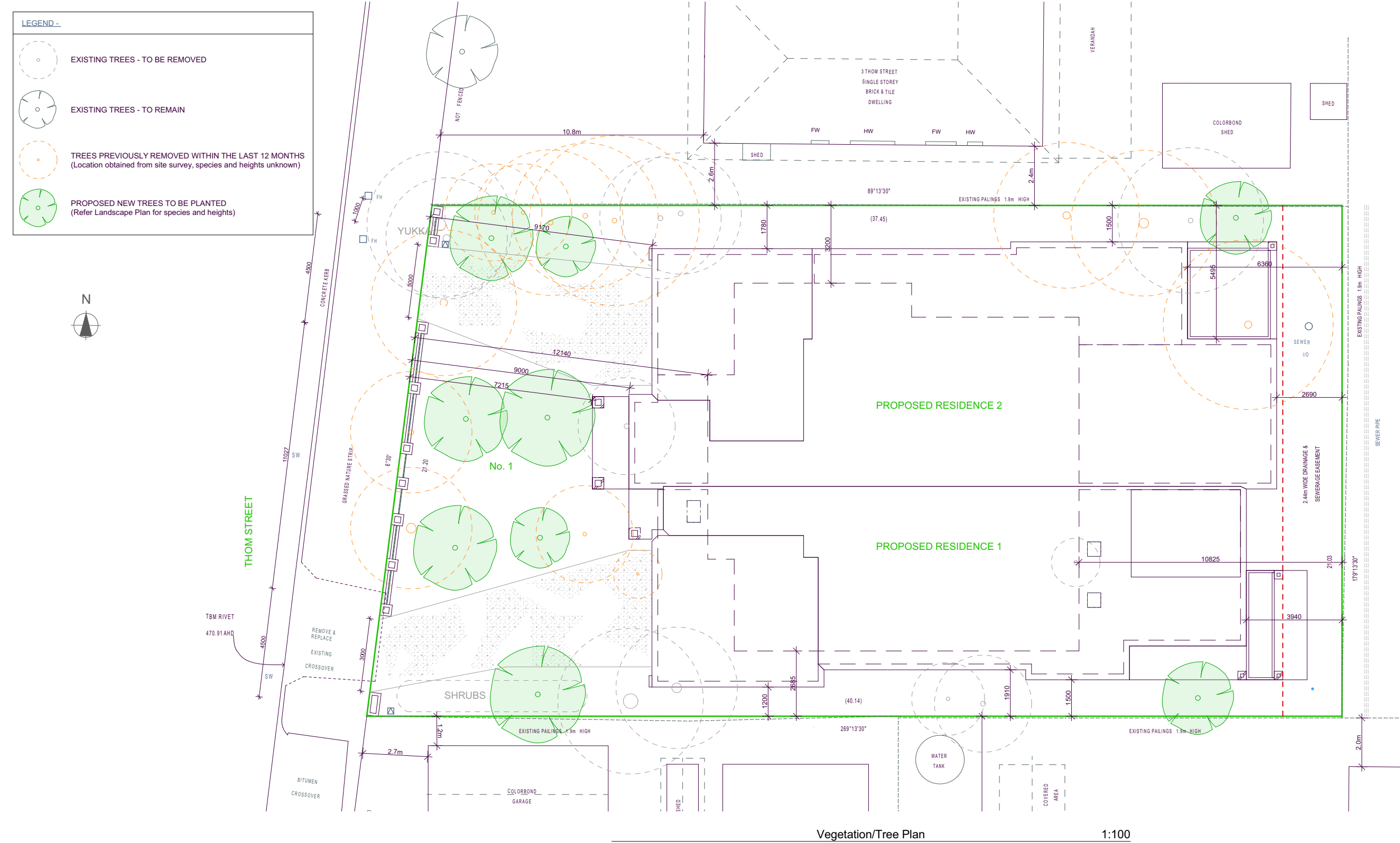
	Level 1/152 Plenty Road Preston VIC 3072 P: 9460 7632 E: info@rodadevelopments.com.au W: www.rodadevelopments.com.au	1 THOM STREET, NEW GISBOURNE, 3438  PROPOSED NEW DUAL OCCUPANCY  LYNNE & GEORGE PIACENTINI	© Copyright  These drawings are the property of Roda developments and may not be used or copied without express permission	Date	Revision:	ELEVATIONS
				02/12	Council RFI Plans	PLANNING
				07/12	Council Email	
				01/03	Revised crossover locations	Drawn By: Millissa Vitali
						Date issued: 12.09.22
				Sheet Number: 9	of 11	Thom Street PL01e.pln



COLOURS & MATERIALS SCHEDULE	
	Surfmist Render, Fascia, Gutters, Downpipes
	White Windows/External Doors
	Colorbond Corrugated Metal - Monument Roofing
	White acrylic panels in white frame Garage doors

	Level 1/152 Plenty Road Preston VIC 3072 P: 9460 7632 E: info@rodadevelopments.com.au W: www.rodadevelopments.com.au	1 THOM STREET, NEW GISBOURNE, 3438  PROPOSED NEW DUAL OCCUPANCY  LYNNE & GEORGE PIACENTINI	© Copyright  These drawings are the property of Roda developments and may not be used or copied without express permission	Date	Revision:	FRONT FENCE & STREETVIEW  PLANNING  Drawn By: Millissa Vitali  Date issued: 12.09.22  Sheet Number: 10 of 11 <small>Thom Street PL01e.pln</small>
				02/12	Council RFI Plans	
				07/12	Council Email	
				01/03	Revised crossover locations	





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NEW GISBOURNE, 3438**

PROPOSED NEW DUAL OCCUPANCY

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Date	Revision:	VEGETATION/TREE PLAN
02/12	Council RFI Plans	PLANNING
07/12	Council Email	
01/03	Revised crossover locations	Drawn By: Millissa Vitali
		Date issued: 12.09.22
		Sheet Number: 11 of 11

**9 HEARING OF SUBMITTERS****9.1 HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2022/384 - DEVELOPMENT OF THE LAND FOR TEN (10) DWELLINGS - 3 SOMERVILLE LANE, RIDDELLS CREEK****Officer:** Awais Sadiq, Coordinator Statutory Planning**Attachments:** Submissions Recieved [↓](#)**Summary**

To hear from submitters in relation to Planning Application PLN/2022/384 regarding the Development of the Land for Ten (10) Dwellings at 3 Somerville, Riddells Creek.

**Recommendation****That the Committee:**

- 1. Notes the submissions received in relation to PLN/2022/384 – Development of the Land for Ten (10) 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 12 July 2023.**

---

**Background**

The subject site is located south-eastern side of Somerville Lane, between Melvins Road and Merrifield Street, within an established Residential area of Riddells Creek, more specifically characterise to be within Garden Setting A Precinct.

It is rectangular in shape, providing 35.05m frontages and 100.86m depth. The resulting total area is 3535m<sup>2</sup>.

The site is occupied by an existing dwelling and associated outbuilding. The site contains vegetation and two crossovers are centrally located with associated loop vehicle access.

Riddells Creek Train Station is approximately 1km south of the subject site. Riddells Creek Town centre is approximately 600 metres south of the subject site.

The immediate surrounding area is occupied by single low scale dwellings with associated outbuilding on sites of various lot sizes. Built form site coverage is low with large proportions of landscaping being the strong neighbourhood character feature.

There is a recent emergence of the multi-unit low scale built form developments within nearby street blocks to the east and south. A 5-unit development was recently approved by VCAT on the abutting lot to the west.

**Summary of proposal**

The application is seeking an approval of 10 dwellings on site with the following attributes:

- Single storey semi-detached dwellings with no walls on boundaries.
- Two rows of five (5) dwellings with a centralised shared common access in between.



- Two visitor car parking spaces with each dwelling having double garage.
- Each dwelling having three (3) bedrooms, open living area, two (2) bathrooms.
- Maximum building height of 5.20 metres.
- Materials will be mix of brick and weatherboard cladding for the external walls with colorbond roofing.
- Layout generally similar with two identical units at the front, 6 identical units in the middle and 2 identical units at the rear.
- Built up areas ranges from 151.7m<sup>2</sup> to 160.5m<sup>2</sup>.
- Minimum front street setback of 7.9m, rear setback of 4m and the side setbacks ranges from 2m to 5m.
- All existing trees on site will be removed; however, a preliminary landscaping plan has been provided including proposed new canopy trees (medium to small).

### **Planning permit trigger/s**

A planning permit is required to:

- Construct more than one dwelling on the land under the Neighbourhood Residential Zone (Schedule 8).

### **Summary of submissions**

A total of eight (8) objections were received to this application. They are summarised as follows:

• Contrary to the neighbourhood character;
• Inappropriate high density;
• Increased traffic and safety issues;
• Pressure on existing services and infrastructure;
• Implications on waste management;
• Non-compliance with the Clause 55 objectives;
• Amenity impacts to neighbours from construction and operations;
• Increased fire risk;
• Accumulative impact when considering the recently approved multi-dwellings in the street;
• Poor presentation/ quality and lack of variety;
• Waste management issues (number of rubbish ect. bins on the street).

### **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.

**Maria Nunez**

---

**From:**

**Sent:**

**To:**

**Subject:**

Macedon Ranges Shire Council

Comment on application PLN/2022/384

**Categories:**

Planning

## **For the attention of the General Manager / Planning Manager / Planning Department**

Application

PLN/2022/384

Address

3 Somerville Lane Riddells Creek VIC 3431

Description

Development of the Land for Ten (10) Dwellings

### **Comment**

Inappropriate high density development in a rural town. The town cannot accomodate the increased traffic and demand for services that a 10 dwelling unit development will impose!! There are enough units in Riddell to accomodate down-sizers and renters and as can be seen by the slow sale of the existing ones they are not in demand at the price developers are asking.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]


[REDACTED]





Submission 3

023-15173



Macedon Ranges

Shire Council

Statutory Planning

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Objection to a Planning Permit Application

Any person who may be affected by the grant of a permit may object. Provided your objection is received prior to the application being decided, your objection will be considered and you will be notified of the decision when it is made. This form has been designed to assist with collecting the required information for an objection, but you are not required to use this form.

For assistance completing this form, call Statutory Planning on (03) 5421 9699.

Objector Details

Name/s\*: [REDACTED]

Organisation: [REDACTED]

Phone: [REDACTED]

Address: [REDACTED]

\* If multiple people are objecting, please list your preferred contact person first as we will only send correspondence regarding the objection to this person.

Planning Permit Application Details

Application Number: PLN/ 2022 / 384

Property Address: 3 Somerville Lane Riddells Creek.

PRIVACY COLLECTION NOTICE

Macedon Ranges Shire Council is committed to protecting your privacy. The personal information you provide on this form is being collected for the primary purpose of registering and considering your objection.

Where required, in accordance with the Planning and Environment Act 1987, a copy of your objection will be provided to:

Available to	Information provided
Council staff and external agencies involved in the planning process.	Full copy of objection.
The applicant for the planning permit and their representatives.	Copy showing objector name/s and address with other personal information redacted.
To any persons who wish to inspect your objection prior to a decision being made for the application.	Copy with all personal information redacted available to view/inspect only.
On Council's website if the application goes to a Planning Delegated Committee or Council Meeting.	Copy with all personal information redacted.

If your objection contains personal information of any other parties you must gain their consent to include their personal information in your objection and provide them with a copy of this notice.

Your personal information will not be disclosed to any other external party without your consent, unless required or authorised by law. If you wish to gain access to, or alter, any personal information you have supplied on this form, contact us on (03) 5422 0333.

You can access Council's Privacy Policy at [mrsc.vic.gov.au/privacy](http://mrsc.vic.gov.au/privacy)



**Objection Details**

Ensure that you clearly understand the application prior to objecting. You can view all planning applications at our Gisborne office during business hours. During the 14 day advertising period (where applicable) documents are available to view online at: [mrsc.vic.gov.au/planning-register](http://mrsc.vic.gov.au/planning-register)

Describe the reason/s for your objection including how you would be affected by the grant of the permit:

INCREASED TRAFFIC FLOW IN THE  
AREA.

GOES AGAINST THE LANDSCAPE OF THE  
LEAFY "COUNTRY" FEEL ~~OF~~ AND AMBIENCE/  
PERCEPTION  
OF THE MACEDON RANGES SHIRE COUNCIL.

**HOW TO SUBMIT**

EMAIL: Send to [mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au)

IN PERSON: Bring this form to one of our service centres.

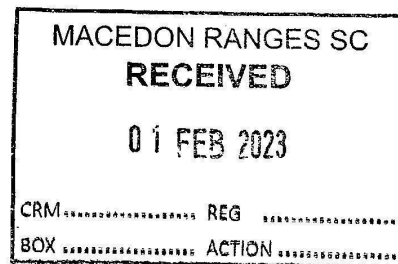
POST: Mail to Macedon Ranges Shire Council, PO BOX 151, KYNETON VIC 3444



Objection to a planning Permit  
 Macedon Ranges Shire Council  
 PO Box 151  
 Kyneton Vic 3444

D23-20090

27/1/2023



Dear Sir,

Objection to the Following Application

Lot 1 LP 208830 P P/Kerrie

3 Somerville Lane Riddells Creek Vic 3431

Application for a permit to: Development of the land for (i)  
 Dwellings

Application Reference number is PLN/2022/384

I wish to object to the above proposal due to the following

- 1/ Poor planning by the [REDACTED] to allow multiple dwellings on the above side of Somerville Lane Riddells Creek.
- 2/ Infrastructure maintenance. [REDACTED] allow estates and dwellings to be constructed in Riddells Creek. Do they improve roads and access roads in Riddells Creek. No. They do poor maintenance on existing roads and associated networks. Roads are becoming "bottle necks" with no planning to improve. We have [REDACTED] many years. In our area have roads improved under Macedon Ranges Council. No.
- 3/ Bushfires  
 We are located in a dangerous location regarding Bush fires. If someone is so called [REDACTED] fire management people went up into the forest located rear of Riddells Creek - if they know what they are doing they should be frightened if undergrowth if a fire with a strong north wind starts in the forest - Goodbye Riddells Creek. Plus a lot of people refer NO2 above limited access to clear Riddells Creek. Access to and from Riddells Creek

Improvement of roads a must. If you go by history nothing will happen with our roads.

1/ We live in a quiet area of Riddells Creek. Whilst development is occurring [REDACTED] these a single dwellings. Not high density units with high flow of cars. In our location most residents have two cars. Your units will increase density by another 20 cars in a small area. Hence more pressure on the road network. As mentioned above road network is poor.

5/ Next door to this application there are 5 units at no 1 Somerville Lane Riddells Creek being approved or approved. Hence more high density on our street. Another 10 cars on the road. Another poor example of planning by [REDACTED]

6/ We believe there are going to be more high density dwellings on Merryfield Street. Merryfield street is the main lead in street to Somerville Lane for our access. Hence more pressure on our road network. History - will [REDACTED] improve road access. No.

1/ Foot traffic

There are no footpaths in Somerville Lane or Merryfield street. We are more than happy with this gives a good country feel, but with all your development will people walking be safe. Please do not panic and put footpaths in - if you do a poor result at [REDACTED] cost. Start making developers put better drainage and footpaths in at their expense. Perhaps they will think twice before development in our area. Also [REDACTED] road update/maintenance

3/ Intersection Merryfield street and Gusborne/Kilmore road.

At times this is a real bottleneck if you are trying to turn right at the intersection from Merryfield street. Minutes can pass before you can get out, [REDACTED]



going to improve this junction. History says (3)  
- nothing

## 11/ Street Lighting

Both Somerville Lane / Merryfield Street.  
Street lighting for this day and age. Lighting is poor to average. Existing lighting was put in place over 30 years ago.

## 10/ Services

Sewerage / Water Supply / Electricity  
Will these services be affected by the extra demand

11/ I think I have read [REDACTED]  
considers themselves to be "Green". Is approving high density buildings in a confined space "Green" I think not.

2/ I have met/spoken with this builder. Is he interested in Riddells Creek, No. His consideration is only for [REDACTED]

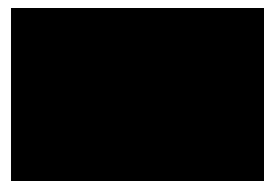
I have nothing against development. However this council just appears to approve development without good planning for all areas associated with Riddells Creek.

or information:

I do not have access to a computer nor do I know to work one hence my hand written objection  
All correspondence by mail please.

Submission 5

P23-5279



Wednesday, February 1, 2023

Dear Sir/Madam,

**RE: LOT 1 LP 208830P P/KERRIE (3 Somerville Lane, Riddells Creek)**

We wish to formally object to the Planning Application notice on Wednesday 25 January 2023. Reasons for the objections are as follows:

1) **Clause 55.01 Neighbourhood & Site Description.** The building of units (regardless of number) is not in keeping with local land usage and other houses on Somerville Lane and the surrounding streets. The town planning submission & compliance statement states on page 6 that Riddells Creek has multiple dwelling unit developments nearby:

- Pattern of development of the Neighbourhood states new units popping up within this street. This is a liberal interpretation as Number 1 Somerville Lane only has permission due to VCAT overturning the MRSC decision to refuse planning of this type of dwelling. No construction has commenced and the plot is up for sale as vacant. As we expressed in our objection to number 1's development plans there is no a very worrying trend occurring with this latest application. Namely mass suburb style unit construction on what has always been a rural county street.
- Number 39 Somerville Lane, according to Google maps is 800m away separated by a creek and therefore not a comparable property.
- Similarly the properties quoted on Mahoneys Road, Stephens Street, Sutton Street, Larter Court, Egan Court and Hamilton Street are 500m, 800m, 700m 1.2km, 1.1km and 900m respectively away from 3 Somerville Lane and as such should not be considered as 'nearby' for aesthetics.
- Under built form, scale and character surrounding development including front fencing it states front fences are uncommon within the area. This is not true for the side of the street being proposed and in fact the application states it will remove the existing steel fence. The photos below show the street view from Bolithos Road to number 3 Somerville Lane (please note the property fencing and trees all along the street).
- The removal of the front fence contradicts Clause 55.06-2 Front Fences Objective which encourages a front design that respects the existing or preferred neighbourhood character.













- Whilst no other notable characteristics of the neighbourhood are noted in the relevant section of the proposal, Riddells Creek has just been voted 9<sup>th</sup> on the Most Livable Regional Area listing. This ranking reflects the space, community and safety of the town currently. Development of multiple suburban style units directly contradicts the space characteristics and given there are no footpaths and very limited street lighting between Somerville Lane and Main Street, pedestrian safety is a major concern.

2) **Clause 55.01-1 Neighbourhood Site and Description.** This specifies there will be significant removal of established trees from the plot. These trees are shown in the last two photographs above. The section “**Views to and from the site**” says no new fencing proposed to provide an open look to the unit development. This claims the development will be harmonious to its surroundings and within neighbourhood character. As shown in the above photographs this statement would appear to be made by someone who is not resident to the area and certainly does not appreciate the current beauty and general look of Somerville Lane as it is currently. **Clause 55.03-8 Landscaping Objectives** does note 4 indigenous large advanced canopy trees are proposed to be planted along the street facing open spaces for units 1 and 10 but it is unclear if this will be a suitable replacement for the existing trees which achieve site privacy very well. This should be something the developer is required to consider / respond to.

3) **Clause 55.02-2 Residential Policy.** This covers the choice of housing and the proposed development making more efficient use of the site. The proposal plans on accommodating ten units, which in practical terms equates to at least 20 cars and thus significantly more traffic. In addition, there is no mention of how the 20 waste bins every week (30 every 4 weeks) required to be 1m apart are going to be accommodated on the relevant collection day.

4) **Clause 55.02-4 Infrastructure Objectives,** Telephone and NBN will be provided. Considering it has taken NBN Co. over 4 years to even acknowledge the poor speeds along this street, adding another 10 properties to an already overloaded node impacts every resident connected to that node reducing the already sub-standard speed (less than 19mbps at our property) even further.

5) **Clause 55.02-5 Integration with the Street Objective.** The design response here focuses on the attractiveness of the driveways, flowerbeds and garden beds proposed to be planted along each unit dwelling. It does not address the front/street view.

6) **Clause 55.03-1 Street Setback Objective.** The design response states that the units will be visually pleasing and consistent with neighbourhood character. We appreciate that the design has considered the setback however as stated previously the current visually pleasing perspective (tree coverage) will be removed.

7) **Clause 55.03-7 Safety Objective.** The proposal states it has been designed to offer good safety and security but it has not considered Somerville Lane is regularly used by pedestrians and running groups and therefore the significantly increased traffic load MUST be considered in the safety analysis due to complete lack of footpaths.

8) **Clause 55.03-9 Access Objectives.** This states on street parking will not be impacted as the proposed development incorporates the required car parking spaces to each unit. As per the plans this is two parking spaces per unit. However there only two visitor car park spaces across 10 units is insufficient.

9) **Clause 55.03-10 Parking Location Objectives.** This states habitable windows facing the driveways are proposed to be setback 1.5m **or** to be double glazed. Given energy objectives we would propose all windows should be double glazed by default. Not only to reduce noise but also to improve the energy efficiency of the units.

10) **Clause 55.04. Amenity Impacts.** Overall whilst 3 bedrooms, the units and associated open spaces are small compared to the street. All of the open spaces described in Clause 55.05-4 range from 57.5sq.m to 200 sq.m which will be reduced by the inclusion of sheds (Clause 55.05-6). A better suggestion would be to reduce the number of units and increase individual plot size. This would not only achieve the overall objective of providing housing diversity it would ease overloading supporting infrastructure.

11) **Clause 55.05-1 Accessibility Objective.** The design response considers people with limited mobility for accessing the proposed units themselves. However getting into the units would rely on cars as there is no other safe provision (refer above re: pedestrian access).

Additional Comments:

- The units as proposed will impact the look and feel of Somerville Lane. Somerville Lane is not made up of 'units' nor should it be. It is not a suburban street - it is made up of country style living which people actively choose. Approval of any such development is detrimental to the look and feel of the street as well as being detrimental to current residents who have chosen this way of living. Any development should align to the look and feel of 'community country living' and not based on how many units can be squeezed onto a plot.
- The level of traffic impacting the street, not only during the build but afterwards if the units are approved. Somerville Lane was not built to be able to cope with significant traffic and noise/traffic during the build would be unacceptable. There is no mention of how the construction workforce will access or park at the site. This must be considered and a suitable solution found. We do not want heavy plant and/or numerous vehicles parked all down the street for the duration of construction. There are no details on any 'make good' provisions by the builder for damage to the street/nature strip or properties within the locale of any construction areas in the proposal in the event this occurs. Longer term maintenance of the street by the Council is also not outlined.

Finally, whilst the developer has submitted the application and design plans, we also note that the property is currently listed to be sold at auction on Thursday 6<sup>th</sup> July with permits and plans. This means that the developer submitting the plans will not be responsible for the actual construction and there are no assurances that whoever it is sold to would adhere to the application if granted. This suggests that the individual is not concerned with making sure the details are in keeping with the neighbourhood character and more concerned with making a fast buck!

We are happy to discuss the nature of our concerns over the planning application, however, in the best interests of residents in Somerville Lane, this planning application for 10 units as it stands should be declined.

Regards,





SUBMISSION 6



**Macedon  
Ranges**  
Shire Council

**Statutory  
Planning**

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### Objector Details

Name/s\*:

Organisation:

Phone:

Email:

Address:

*\* If multiple people are making this objection please list your preferred contact person first as we will only send correspondence regarding the objection to this person.*

### Planning Permit Application Details

Application Number: PLN/ PLN/2022/384

Property Address: 3 Somerville Lane Riddells Creek vic 3431

### PRIVACY COLLECTION NOTICE

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Where required, in accordance with the Planning and Environment Act 1987, a copy of your objection will be provided to:

Available to	Information provided
Council staff and external agencies involved in the planning process.	Full copy of objection.
The applicant for the planning permit and their representatives.	Copy showing objector name/s and address with other personal information redacted.
To any persons who wish to inspect your objection prior to a decision being made for the application.	Copy with all personal information redacted available to view/inspect only.
On Council's website if the application goes to a Planning Delegated Committee or Council Meeting.	Copy with all personal information redacted.

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**Describe the reason/s for your objection including how you would be affected by the grant of the permit:**

[REDACTED] moved here due to the peaceful rural  
ge residential block sizes. I object to the  
proposed planning permit for the following reasons:

Population Density: Too high density for the area. References within the permit application identifying unit development at 1 Somerville lane has not occurred. There are no current unit developments within this section of Somerville lane, and its approval will set an unwelcome precedent.

Rural Environment: Insufficient visitor parking will encourage on street parking which will significantly deter from the neighbourhood character, as will the up to 20-30 bins placed on the street during weekly rubbish disposal.

Safety: Potential increase of between 15-50 residents, and potential of 20 additional vehicles will increase the likelihood of vehicle/pedestrian interactions. This section of Sommerville lane is frequently used by pedestrians/recreational bike riders who walk/ride within the area, including accessing Wyberjong park. There are no footpaths on this section of Somerville lane. The recent development located on Melvins rd/McCluskey st has already seen an increase in vehicular traffic along Somerville lane as an entry/exit thoroughfare to/from this recent development and the Main rd.

Identified Future Development: MRSC Development framework plan for Riddells Creek caters for increased development of this nature/density of housing in the Priority Residential Development Precinct located north of Amess rd. This area has been identified as one of the preferred areas for higher density future development.

This proposal does not enhance the area or maintain the rural feel of this area of Riddells creek.

Thank You

**HOW TO SUBMIT**

**EMAIL:** Send to [mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au)

**IN PERSON:** Bring this form to one of our service centres.

**POST:** Mail to Macedon Ranges Shire Council, PO BOX 151, KYNETON VIC 3444



**Macedon  
Ranges**  
Shire Council

**Statutory  
Planning**

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Macedon Ranges Shire Council  
Item received at 6/2/23 Office  
Signed US

MACEDON RANGES SC  
**RECEIVED**

- 6 FEB 2023

## Objection to a Planning Permit Application

Any person who may be affected by the grant of a permit may object. ~~Provided your objection is~~  
received prior to the application being decided, your objection will be considered and you will be notified of the decision when it is made. This form has been designed to assist with collecting the required information for an objection, but you are not required to use this form.

For assistance completing this form, call Statutory Planning on (03) 5421 9699.

### Objector Details

Name/s\*: [REDACTED]

Organisation: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Address: [REDACTED]

*\* If multiple people are making this objection please list your preferred contact person first as we will only send correspondence regarding the objection to this person.*

### Planning Permit Application Details

Application Number: **PLN/ 2022/384**

Property Address: **3 Somerville Lane Riddells Creek Vic 3431**

### PRIVACY COLLECTION NOTICE

Macedon Ranges Shire Council is committed to protecting your privacy. The personal information you provide on this form is being collected for the primary purpose of registering and considering your objection.

Where required, in accordance with the Planning and Environment Act 1987, a copy of your objection will be provided to:

Available to	Information provided
Council staff and external agencies involved in the planning process.	Full copy of objection.
The applicant for the planning permit and their representatives.	Copy showing objector name/s and address with other personal information redacted.
To any persons who wish to inspect your objection prior to a decision being made for the application.	Copy with all personal information redacted available to view/inspect only.
On Council's website if the application goes to a Planning Delegated Committee or Council Meeting.	Copy with all personal information redacted.

If your objection contains personal information of any other parties you must gain their consent to include their personal information in your objection and provide them with a copy of this notice.

Your personal information will not be disclosed to any other external party without your consent, unless required or authorised by law. If you wish to gain access to, or alter, any personal information you have supplied on this form, contact us on (03) 5422 0333.

You can access Council's Privacy Policy at [mrsc.vic.gov.au/privacy](http://mrsc.vic.gov.au/privacy)

### Objection Details

Ensure that you clearly understand the application prior to objecting. You can view all planning applications at our Gisborne office during business hours. During the 14 day advertising period (where applicable) documents are available to view online at: [mrsc.vic.gov.au/planning-register](https://mrsc.vic.gov.au/planning-register)

**Describe the reason/s for your objection including how you would be affected by the grant of the permit:**

I object to the proposed development as follows:

1/ The development lacks design character. 10 bland weatherboard with brick garages. All the same with no variation. How many of these are we going to build in Riddells Creek? Mahoneys Rd is full of them. Same developer too. Are we planning a legacy or are we devoid of alternatives concepts? Against the backdrop of dwellings in the immediate surrounds of Somerville Lane they are less than aesthetically pleasing.

2/ The build form appears cheap and capped at around the \$200K-\$230k mark. They do not appear to be energy efficient designs. High dependency on fossil fuel use. Double glazing appears limited to site traffic noise reduction rather than an essential aspect of all builds.

3/ The density of development adds fire risk. Less is best. The opposite side of the Lane is defined as a bushfire area and has building restrictions. Fire cares nothing for lines on a map when it comes to ember showers.

4/ The development lot is just over 3500m<sup>2</sup>. 10 villas in this space is too many. Between 2000 and 2010 a 2000m<sup>2</sup> development housed 4 dwellings. Since 2015 this boundary was pushed to 5 dwellings. This development pushes that envelope even further. When is it enough?

5/ The development is all but at the furthest point of this General Residential Schedule Area. Lot quantities of this nature should be confined to areas closer to the centre of the town.

6/ The development presents safety concerns. Current codes and minimum passageways requirements may well have been met but this requires a level above. There is one access/egress point where as it is right now there are two. Its promoted as 10 lots for 'families'. All dwellings have two car garages. Twenty cars in total. Visitor car space is compromised. Common property areas in the development are non existent. 30-40 people could well inhabit the development on completion. There is a significant risk to children and residents to vehicle activity.

7/ Town access infrastructure doesn't serve this development. There is no curb and guttering. There is no footpath connectivity to the town centre. On street parking is insufficient for this number of builds even after you have reduced the access/egress to one driveway. This just indicates that this development is centred around build quantity.

8/ Waste collection. Questions were raised by council on the location of bins for each dwelling. What is the waste collection process for the site? Is it Council collection? If so this promises to be challenging with 30 bins out every 4th week. If its a private waste collection then how is that progressive in 2023. More villas less residential waste sortation so more landfill. Proper provision for waste collection must be paramount.

9/ A development of this size impacts the rural identity of the town and that impacts on my lifestyle and overall well being. It also sets the minimum standard for the adjoining vacant lots. 10 here but another 50 like this in a short time. Rural haven to urbanisation at warp speed. Traffic movement and noise increase eventuates with this development and those that will follow and that devalues my property and incurs personal cost to correct.

10/Numbers of this proportion in this development are simply not necessary. Other development lots of this size have put build quality, design substance and aesthetic integration at the forefront of the process. An example of this can be seen adjacent to the Riddells Creek Telstra exchange site. I urge Council to seek to amend the design, reduce the quantity of builds, set a better development benchmark for the further vacant lots and in doing so attempt to address the concerns outlined in my objection.

### HOW TO SUBMIT

**EMAIL:** Send to [mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au)

**IN PERSON:** Bring this form to one of our service centres.

**POST:** Mail to Macedon Ranges Shire Council, PO BOX 151, KYNETON VIC 3444



**Macedon  
Ranges**  
Shire Council

**Statutory  
Planning**

T: (03) 5422 0333 | [mrsc.vic.gov.au](http://mrsc.vic.gov.au) | ABN 42 686 389 537

Macedon Ranges Shire Council  
Item received at Gisborne Office  
On 6/3/23 Signed [Signature]

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#### Planning Permit Application Details

Application Number: PLN/ 2022/384

Property Address: 3, SOMERVILLE LANE, RIDDELLS CREEK 3431

#### PRIVACY COLLECTION NOTICE

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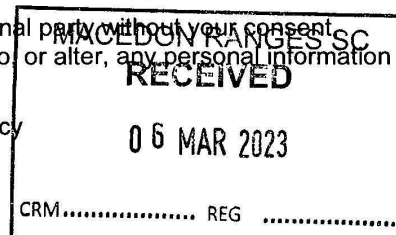
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Describe the reason/s for your objection including how you would be affected by the grant of the permit:

1. The number of rubbish bins on the nature strip on collection day. This could be up to 30 on a particular week. No way can this be achieved.
2. I note on the amended application, rubbish bins must be concealed from view. This has been achieved for only 2 bins, but each residence will have 4 bins.
3. Insufficient allowance for parking will invariably mean parking by owners/visitors on neighboring nature strips.
4. The applicant has already received permission to erect 5 units on 1 Somerville Lane, Riddells Creek 3431. This application would result in 15 units being erected in close proximity. The total ambience of the area being affected ~~will be~~ with high density living bordering low density housing lands.
5. I recall previous Council zoning plans restricting this type of residential housing, ~~unless~~ unless it was centred along the main thoroughfare of the town. In fact, the latest document I recall stipulates land ~~not~~ abutting the north of Somerville Lane could not be less than 2000 sq.mts. Is this still the case? And is Somerville Lane the great divide b/w city and country living.

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**9.2 HEARING OF SUBMITTERS IN RESPECT OF AN APPLICATION FOR PLANNING PERMIT PLN/2022/388 - REMOVAL OF VEGETATION 409 CAMERON DRIVE, MOUNT MACEDON****Officer:** Evert Grobbelaar, Manager Statutory Planning**Attachments:** Submissions (under separate cover)**Summary**

To hear from submitters in relation to Planning Application PLN/2022/388 regarding the Removal of Vegetation to re-establish view lines to and from the Mount Macedon Memorial Cross for the land at Mount Macedon War Memorial Cross Reserve, 409 Cameron Drive, Mount Macedon.

**Recommendation****That the Committee:**

1. **Notes the submissions received in relation to Application for Planning Permit PLN/2022/388 – Vegetation Removal; and**
2. **Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the next Council Meeting on 28 June 2023.**

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**Background**

The subject site is located in close proximity to the summit of Mount Macedon in the Macedon Regional Park, for which Parks Victoria is the Land Manager. It encompasses an area of land on Mount Macedon located directly to the south-east of the Memorial Cross. The subject site is dominated by established native vegetation.

The Mount Macedon War Memorial Cross (the Cross) was built in 1935. The Cross was severely damaged in the 1983 Ash Wednesday fires and was subsequently replaced in 1995, and further refurbished in 2007. Since 2007, the vegetation in the surrounding area, particularly to the south of the Memorial Cross has grown significantly. This has limited the views to and from the Cross that were once appreciated by both the Macedon Ranges community and visitors to the region.

**Summary of proposal**

Parks Victoria is proposing to remove approximately 0.71 hectares of native vegetation within proximity to the memorial cross. The purpose of the proposal is to re-establish views to and from the Memorial Cross located on Mount Macedon.

The proposal consists primarily of the removal of native vegetation, specifically canopy trees and larger shrubs. There will be minimal impacts to the lower shrub/ understory and the groundcover layers as part of the project. Additionally, it is proposed to leave the stumps of the felled trees in situ in order to further minimise the impacts on flora and fauna in the project area.

The removal of vegetation will be carried out by specific machinery that will ensure that works can occur with minimum disturbance to the understory and ground layer of vegetation. These machines allow for the removal of vegetation with minimal dragging of

logs, resulting in less of an impact to ground cover. The machinery will also be operated by trained personnel who will be made aware of the environmental sensitivities of the work.

### Planning permit trigger/s

Clause 42.01-2 – Removal of any vegetation

### Summary of submissions

Seventy Two (72) submissions were received to this application including 55 objections and 17 letters of support. They are summarised as follows:

Objection/concern regarding application
<ul style="list-style-type: none"> <li>The proposal is inconsistent with the Clause 51.07 (Statement of Planning Policy) which promotes sustainable tourism, protection of biodiversity and natural/cultural landscapes in addition to the conservation of declares water catchments.</li> </ul>
<ul style="list-style-type: none"> <li>The proposal is inconsistent with local planning policy, which promotes the protection of native vegetation, biodiversity and water catchments.</li> </ul>
<ul style="list-style-type: none"> <li>The proposal is inconsistent with the purpose of the zone being for conservation of the natural environment.</li> </ul>
<ul style="list-style-type: none"> <li>The proposal is inconsistent with the Environmental Significance Overlay as the removal of vegetation will impact the distribution of groundwater affecting water health and quality and additionally will result in loss of habitat.</li> </ul>
<ul style="list-style-type: none"> <li>Reductions in inflows and groundwater due to this project will have a cascading impact on the flow and food web of the nearby Turitable Creek, a known home of the platypus.</li> </ul>
<ul style="list-style-type: none"> <li>Views are not included as a contributory element to the Cross's significance in the Victorian Heritage Register's Statement of Significance.</li> </ul>
<ul style="list-style-type: none"> <li>Macedon Ranges is a declared distinctive area and landscape under state planning policy in 2018, and MRSC's policy documents have a clear focus on sustainable tourism management.</li> </ul>
<ul style="list-style-type: none"> <li>The proposal conflicts with Parks Victoria's responsibility under the Distinctive Areas and Landscapes section of the Planning and Environment Act, which requires the protection of areas with unique environmental, cultural, or scenic values.</li> </ul>
<ul style="list-style-type: none"> <li>The proposal does not maintain an environmentally sustainable visitor economy.</li> </ul>
<ul style="list-style-type: none"> <li>There are other panoramic viewpoints in the area including Major Mitchell Lookout, the 'Top of the Range' Tea Rooms, the Western Lookout, and the viewing platform on The Camel's Hump where visitors are able to enjoy views to and from the cross.</li> </ul>
<ul style="list-style-type: none"> <li>The proposal would create negative publicity for the shire and damage the shires reputation as a high profile, pro-environmental region.</li> </ul>
<ul style="list-style-type: none"> <li>The proposal will result in the destruction of snow gums, which are a vulnerable species.</li> </ul>
<ul style="list-style-type: none"> <li>The key feature of the memorial cross is commemoration of war participants, not for views to the city.</li> </ul>

<ul style="list-style-type: none"> <li>• Removal of canopy cover will inevitably result in negative impact to understory</li> </ul>
<ul style="list-style-type: none"> <li>• Machinery proposed will unavoidably damage the understory and ground cover.</li> </ul>
<ul style="list-style-type: none"> <li>• Light spill will result from vegetation clearing</li> </ul>
<ul style="list-style-type: none"> <li>• The memorial cross fails to be inclusive of all aspects of war and people who gave their lives to defend Australia.</li> </ul>
<ul style="list-style-type: none"> <li>• Protection of biodiversity and high value native vegetation should be prioritised over tourism.</li> </ul>
<ul style="list-style-type: none"> <li>• There has been no meaningful community engagement.</li> </ul>
<ul style="list-style-type: none"> <li>• The proposal does not address climate change issues and is not reflective of a modern environmentally conscious viewpoint.</li> </ul>
<ul style="list-style-type: none"> <li>• Destruction of vegetation will result in habitat loss in the area which would be harmful to native bird and animal species.</li> </ul>
<ul style="list-style-type: none"> <li>• Proposed removal of vegetation could set an unreasonable precedent for further removal of vegetation in the area, potentially leading to irreparable damage to the ecosystem.</li> </ul>
<ul style="list-style-type: none"> <li>• Parks Victoria has failed to consider other options for obtaining a view that do not result in the amount of vegetation loss currently being proposed (including a viewing platform).</li> </ul>
<ul style="list-style-type: none"> <li>• The purpose of the memorial cross is to attract visitors to pay their respects to participants of war while experiencing the unique environment, not for views to the city.</li> </ul>
<ul style="list-style-type: none"> <li>• The proposal would leave a scar on the mountain, which does not align with the character and image of the Macedon Range.</li> </ul>
<ul style="list-style-type: none"> <li>• There is no evidence to support that reinstating the views of the cross would significantly enhance tourism in the area.</li> </ul>
<ul style="list-style-type: none"> <li>• The proposal does not adequately demonstrate how it will achieve no net loss to biodiversity.</li> </ul>
<ul style="list-style-type: none"> <li>• Clearing of vegetation on a sloping topography would result in erosion, which would lead to further devastation to the local ecosystem.</li> </ul>
<ul style="list-style-type: none"> <li>• The proposal would set a bad precedent for landowners.</li> </ul>
<ul style="list-style-type: none"> <li>• The subalpine habitat is unique and should be protected.</li> </ul>
<ul style="list-style-type: none"> <li>• Maintaining a view to and from the cross is no longer appropriate considering the growing emphasis on environmental protection and climate change.</li> </ul>
<ul style="list-style-type: none"> <li>• The proposal is not reflective of what the majority of the community want</li> </ul>
Summary of Support
<ul style="list-style-type: none"> <li>• The designers of the Memorial Cross in 1932 intended for it to be visible to and from the city of Melbourne (Victoria's largest population)</li> </ul>
<ul style="list-style-type: none"> <li>• Commemorative values have been impacted by the loss of the view.</li> </ul>

<ul style="list-style-type: none"><li>• The rising of the sun on Anzac Day is no longer able to be achieved due to the regrowth of vegetation which impacts commemorative values.</li></ul>
<ul style="list-style-type: none"><li>• Removal of vegetation including snow gums to reinstate views will not impact their overall ability to continue to exist in the area.</li></ul>
<ul style="list-style-type: none"><li>• The statement of significance prepared by the Department of Planning and Development reflects the significant of the cross as an important site for remembering the history of WW1 with the materials and scale of the cross allow it to be viewable from considerable distance.</li></ul>
<ul style="list-style-type: none"><li>• Parks Victoria's choice of the reduced amount of vegetation removal (0.7H) rather than the higher proposed option shows consideration of the balance between restoring the views an environmental impact.</li></ul>
<ul style="list-style-type: none"><li>• The application is effectively allowing for an overdue maintenance task.</li></ul>

**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.

**9.3 HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2013/144/A - CHANGE OF USE FROM DWELLING TO WELLNESS CENTRE/MEDICAL PRACTICE (AMENDMENT SOUGHT TO INCLUDE USE FOR A PLACE OF ASSEMBLY (FUNCTION CENTRE) AND CHANGE OF HOURS OF OPERATION) FOR LOT 2 ON LP133259, 26 MARSHALL AVENUE, MACEDON****Officer:** Robert Wallis, Senior Statutory Planning Officer**Attachments:** Submissions (under separate cover)**Summary**

To hear from submitters in relation to Planning Application PLN/2013/144/A regarding the Change of Use from Dwelling to Wellness Centre/Medical Practice (Amendment sought to include Use for a Place of Assembly (function centre) and change of hours of operation) for Lot 2 on LP133259, 26 Marshall Avenue, Macedon.

**Recommendation****That the Committee:**

- 1. Notes the submissions received in relation to PLN/2013/144/A - Change of Use from Dwelling to Wellness Centre/Medical Practice (Amendment sought to include Use for a Place of Assembly (function centre) and change of hours of operation); 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 12 July 2023;**

**Background**

The subject site comprising the land commonly known as 26 Marshall Avenue, Macedon is located on the north-western corner of the intersection of Marshall Avenue and Mount Macedon Road, and is bordered by Williams Avenue to the west of the site. The land is located within the Rural Living Zone, with land to the east and west of the site being located within the Rural Conservation Zone and the Low Density Residential Zone respectively. The subject site is serviced by two crossovers, one located approximately 30m from the intersection of Marshall Avenue and Mount Macedon, accessed via a sealed portion of the road, and one crossover located approximately 100m from the western boundary of the site. The roadway servicing this crossover is currently unsealed. The site is well vegetated along the northern and western sections of the site, with additional plantings along the southern boundary forming a visual barrier from Marshall Avenue. The eastern portion of the site is grassed areas, with a small pond provided in the north-eastern corner of the site.

Surrounding area is an established rural residential area. Dwellings are reasonably hidden by existing vegetation and are modest in size, generally comprising single-storey dwellings with associated outbuildings. Vegetation is a dominant feature of the landscape. Dwellings are substantially screened from each other by vegetation. Roads are largely unsealed between Mount Macedon Road and McBean Avenue, which further contributes to the low-density and rural character of the area. Land sizes vary, with lots on the smaller side being roughly 900m<sup>2</sup> in size. Larger lots of land are approximately 2 hectares in size.

### Summary of proposal

The proposal seeks approval for the amendment of the existing approval (issued for Change of Use from Dwelling to Wellness Centre/Medical Practice) to incorporate a place of assembly component, to accommodate both medium and large-scale events at the subject site throughout the year.

Application information indicates that the applicant seeks approval for up to ten (10) functions a year with a maximum attendance of fifty (50) people (which is stated as potentially operating across multiple days), and separately seeks approval for two (2) large-scale events with maximum attendances of one hundred and twenty (120) people. Large functions are proposed to occur either on Friday and Saturday nights, whilst the smaller events are proposed to occur at all times.

A draft event schedule has been provided with the application that indicates that smaller functions are anticipated to conclude by around 8pm, with the main component of the event taking place during business hours. Larger events are suggested to run until 11pm on weekends.

The application does not include any modifications to the existing building or car parking areas. Overflow car parking has been shown to be provided on a lawn area within the site, and this is expected to be in use for larger events. A Land Capability Assessment has been prepared, which indicates that 1000sqm of additional effluent areas are proposed to be constructed on the land.

### Planning permit trigger/s

Pursuant to Section 72 of the Planning and Environment Act 1987:

“A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.”

### Summary of submissions

A total of nineteen (19) objections were received to this application. They are summarised as follows:

Objection/concern regarding application
<ul style="list-style-type: none"><li>• Removal of the ‘dwelling’ component;</li></ul>
<ul style="list-style-type: none"><li>• Operation of a commercial entity to change the quiet rural character of the area;</li></ul>
<ul style="list-style-type: none"><li>• No sufficient details in relation to type of functions;</li></ul>
<ul style="list-style-type: none"><li>• Comparisons to Bolobek are misleading and unreliable as a point of comparison;</li></ul>
<ul style="list-style-type: none"><li>• Incorrect reference for access to be via a sealed road;</li></ul>
<ul style="list-style-type: none"><li>• Dust from traffic on the road;</li></ul>
<ul style="list-style-type: none"><li>• Issues in relation to car parking;</li></ul>
<ul style="list-style-type: none"><li>• The use of the word ‘entertainment’ as part of the proposal is vague;</li></ul>
<ul style="list-style-type: none"><li>• The future potential use of the site of another proprietor taking advantage of an existing approval;</li></ul>
<ul style="list-style-type: none"><li>• Carrying out of functions in the evening, and the impact of evening noise generation in the rural setting;</li></ul>



• Additional commercial use will result in substantial environmental detriment from wastewater generation;
• Devaluation of property values;
• Detrimental effect on the nearby flora and fauna;
• Noise;
• The view from neighbouring properties into the subject site will be disrupted by the proposal;
• Bushfire risk;
• Overflow parking will be carried out within the road reserve and will impact the character and environment nearby;
• Vehicles will cause a safety hazard for nearby residents;
• The extent of public notification was not satisfactory;
• The proposal will cause overlooking impacts to the property to the north and west;
• The function centre will be used for high impact events, such as weddings, and will take advantage of the maximum yield of 120 patrons;
• Spill-over from functions will impact the availability of dining opportunities in local restaurants;
• The proposal will disrupt the ability of shift workers to sleep;
• The application does not provide certainty about whether or not events will be held on weeknights or weekends;
• The application details are vague and difficult to determine explicit outcomes;
• The proposed use of the land is not compatible with the semi-rural environment.

**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.