

Advertised
18/05/2020

Lot 1 Edgcombe Road Kyneton

Planning Report for the subdivision
of land (43 lots, 1 common property
and reserve land)

December 2019



**DAVID LOCK
ASSOCIATES**
TOWN PLANNING & URBAN DESIGN

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18/05/2020**

Table of Content

1.0 INTRODUCTION	6
2.0 SITE AND CONTEXT	14
3.0 THE PROPOSAL	19
4.0 PLANNING CONTEXT	26
5.0 PLANNING PROVISIONS	33
6.0 CONCLUSION	42
7.0 APPENDIX A	44

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18/05/2020**

List of Project Team and Discipline

Discipline	Project Team
Traffic Impact Assessment	GTA consultants
Cultural Heritage Management Plan	Ecology and Heritage Partners
Engineering Service Strategy	Select Architects
Subdivision Layout	Select Architects

Quality Control Sign-off

Prepared by	Reviewed by	Approved by
Jane Witham	Kyle O'Brien	Rob Milner

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Introduction

- [1.1] This report has been prepared by David Lock Associates (DLA) on behalf of Retail Fuel Developments to accompany a planning permit application for commercial subdivision, comprising 25 lots (plus common property and reserve land), and residential subdivision, comprising 18 lots, on land at Lot 1 Edgcombe Road, Kyneton (**Site**) (Figure 1).
- [1.2] The Site currently contains 4 lots described as Lot 1 on Plan of Subdivision 331532 (two parts), Lot 1 and 2 on LP215372D and Lot 1 on PS439378A (Figure 2).
- [1.3] The Site contains two parts that are distinguished by zones (Figure 3).
- [1.4] The first part is land located on the western side that is contained within the Commercial 2 Zone (C2Z). This forms part of the broader Kyneton north commercial/industrial growth area.
- [1.5] The second part is located on the eastern side that is contained within the Rural Living Zone (Schedule 2) (RLZ2) that forms an extension of the broader rural living area to the north east of the Kyneton township.
- [1.6] The Site is subject to the above zones, and the Environmental Significance Overlay Schedule 4 (ESO4) and identified as an area of cultural heritage sensitivity.
- [1.7] The *Kyneton Structure Plan 2013* includes the commercially-zoned portion of the Site. Kyneton Structure Plan incorporates the *Kyneton Industrial Masterplan 2012* which provides guidance on the road and subdivision layout for the Site.

Permit triggers

- [1.8] A permit is required to subdivide the land under the C2Z (Clause 34.02-1), RLZ2 (Clause 35.03-3) and ESO4 (Clause 42.01-2).
- [1.9] An application to subdivide land must meet the requirements of Clause 56.

Application context

- [1.10] This report provides:
- A description of the proposed subdivision;
 - An analysis of the policy and planning provisions of the *Macedon Ranges Planning Scheme (MRPS)* in relation to the proposed subdivision; and
 - An assessment of the proposed subdivision against the MRPS.
- [1.11] In addition to this application for subdivision, two concurrent proposals for the development of the site have been lodged, including:
- the use and development land for a Service station (including a Convenience shop and a Convenience restaurant) and a standalone Convenience restaurant; and
 - the construction of a building (Trade supplies/restricted retail premises).
- [1.12] Traffic advice that supports this application has also had regard to the whole future development of the proposed subdivision site.

1.0

INTRODUCTION

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[1.13] The complete subdivision and development of the Site under this series of applications is illustrated at Figure 4.

Summary

[1.14] The C2Z and Kyneton Structure Plan establish the overarching strategic expectation for the growth of the commercial and industrial precinct to the north of the Kyneton Township.

[1.15] The RLZ2 provides key guidance for the future development of the residential component.

[1.16] The following considerations establish the strategic justification and merit of the subdivision proposal:

- The Site is zoned and strategically anticipated to deliver commercial and residential growth.
- The subdivision of commercial land is consistent with the purposes of the C2Z, as it will:
 - Facilitate the development of commercial zoned land to respond to the business growth needs of Kyneton;
 - Facilitate a diversity in commercial lot sizes in a location offering good access to services and public transport.
- The commercial subdivision proposal is generally consistent with the provisions of the *Kyneton Structure Plan 2013* and the *Kyneton Industrial Masterplan 2012* and will deliver a range of commercial lots to facilitate diversity in commercial pursuits consistent with the expectations of the Structure Plan.
- The subdivision of residential land is consistent with the purposes of the RLZ2, as it will:
 - Facilitate the development of rural residential land to respond to the urban growth needs of Kyneton;
 - Facilitate rural lifestyle housing growth in a location offering good access to services and public transport.
- The proposal represents a logical extension to the established rural residential hinterland to the north of Kyneton.
- It will integrate with the size and pattern of rural residential subdivision on adjoining land and has taken into consideration the existing Site features, including Post Office Creek, topography and existing vegetation.

[1.17] The subdivision proposal is an appropriate response to the MRPS and the strategic planning objectives and expectations about land use and development in Kyneton.

Figure 1. The Site



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Figure 2. Titles

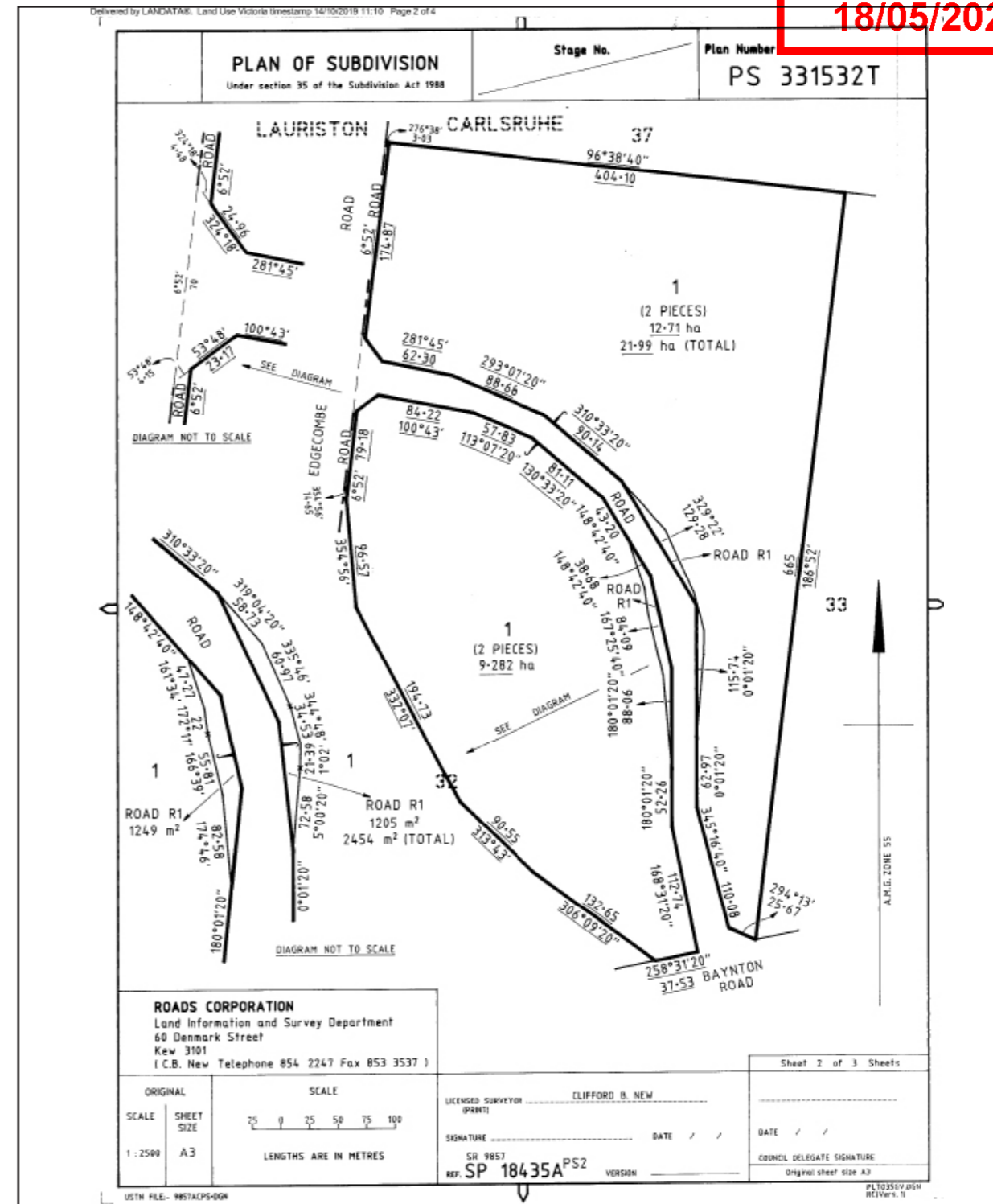
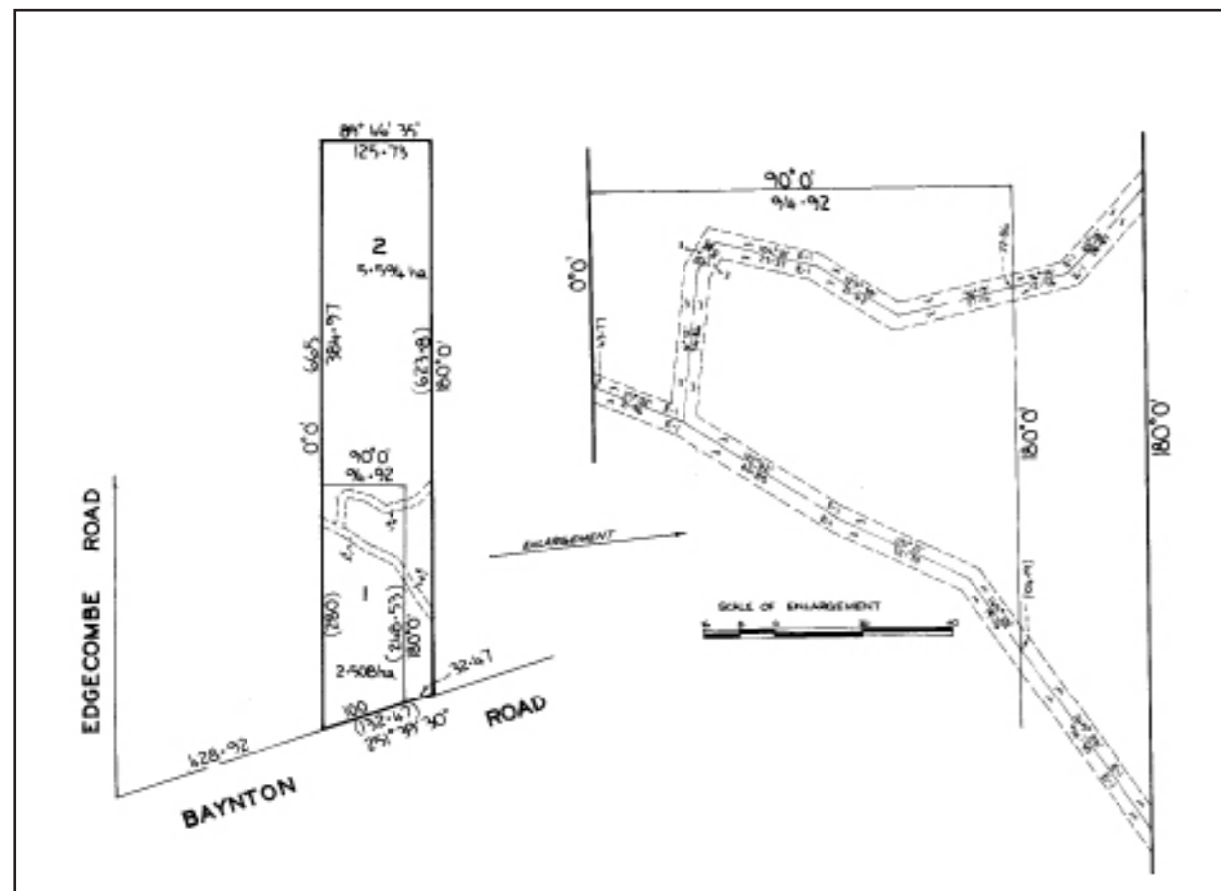
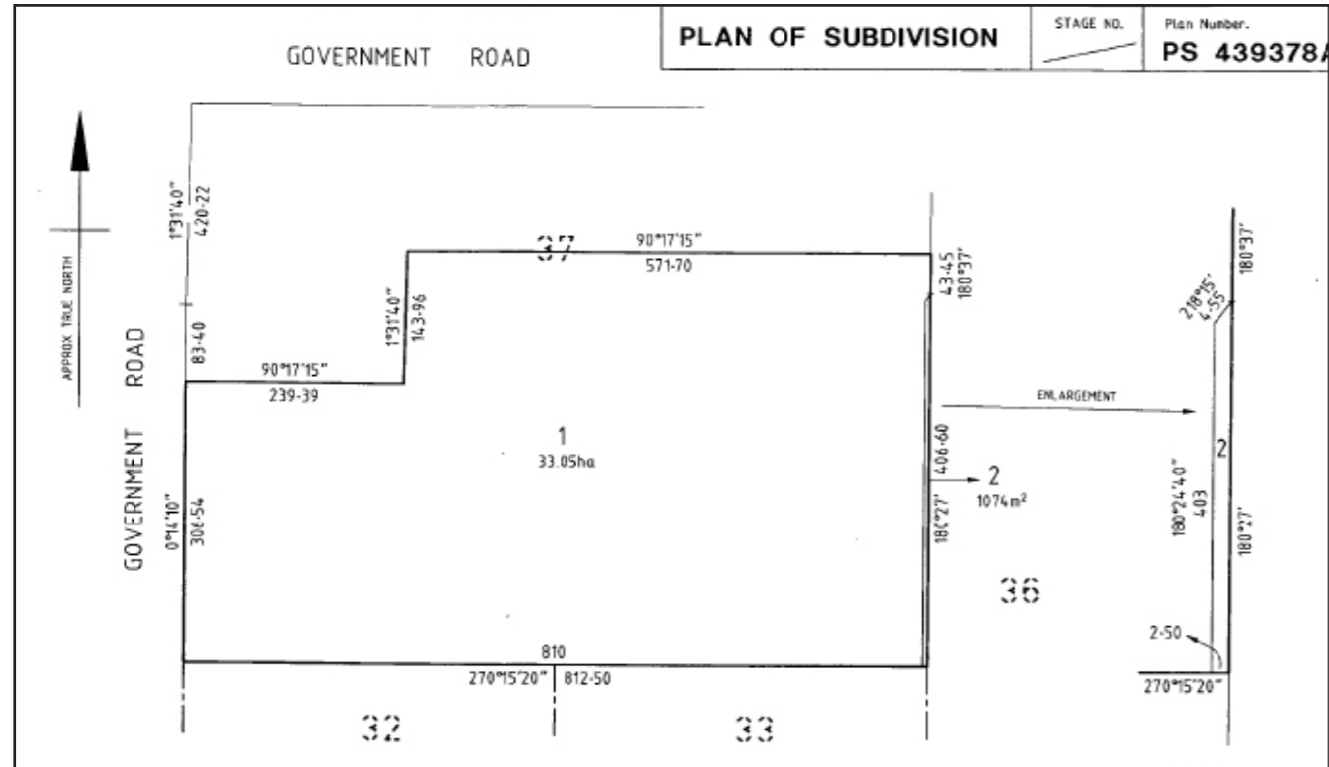


Figure 3. Zoning

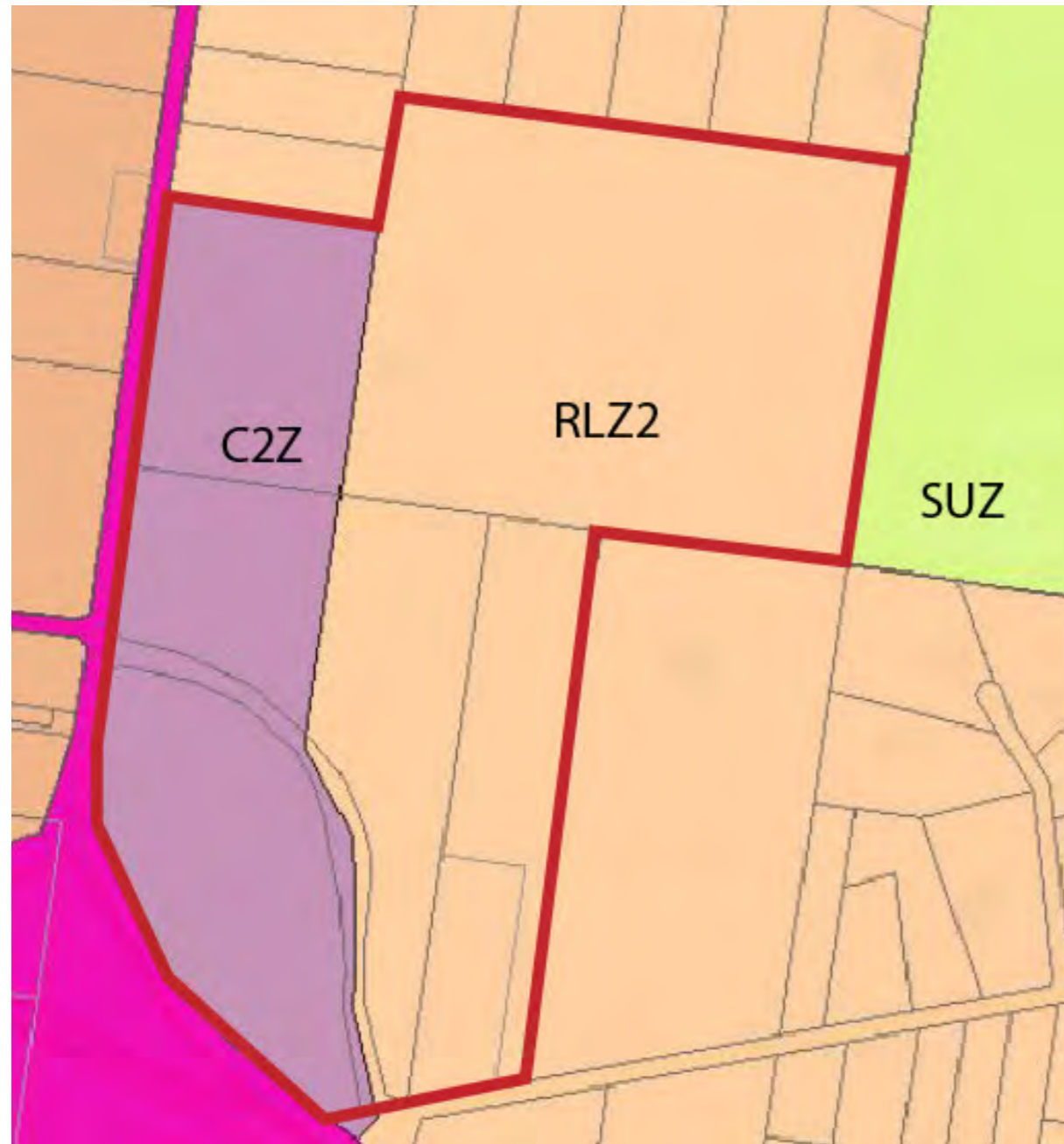
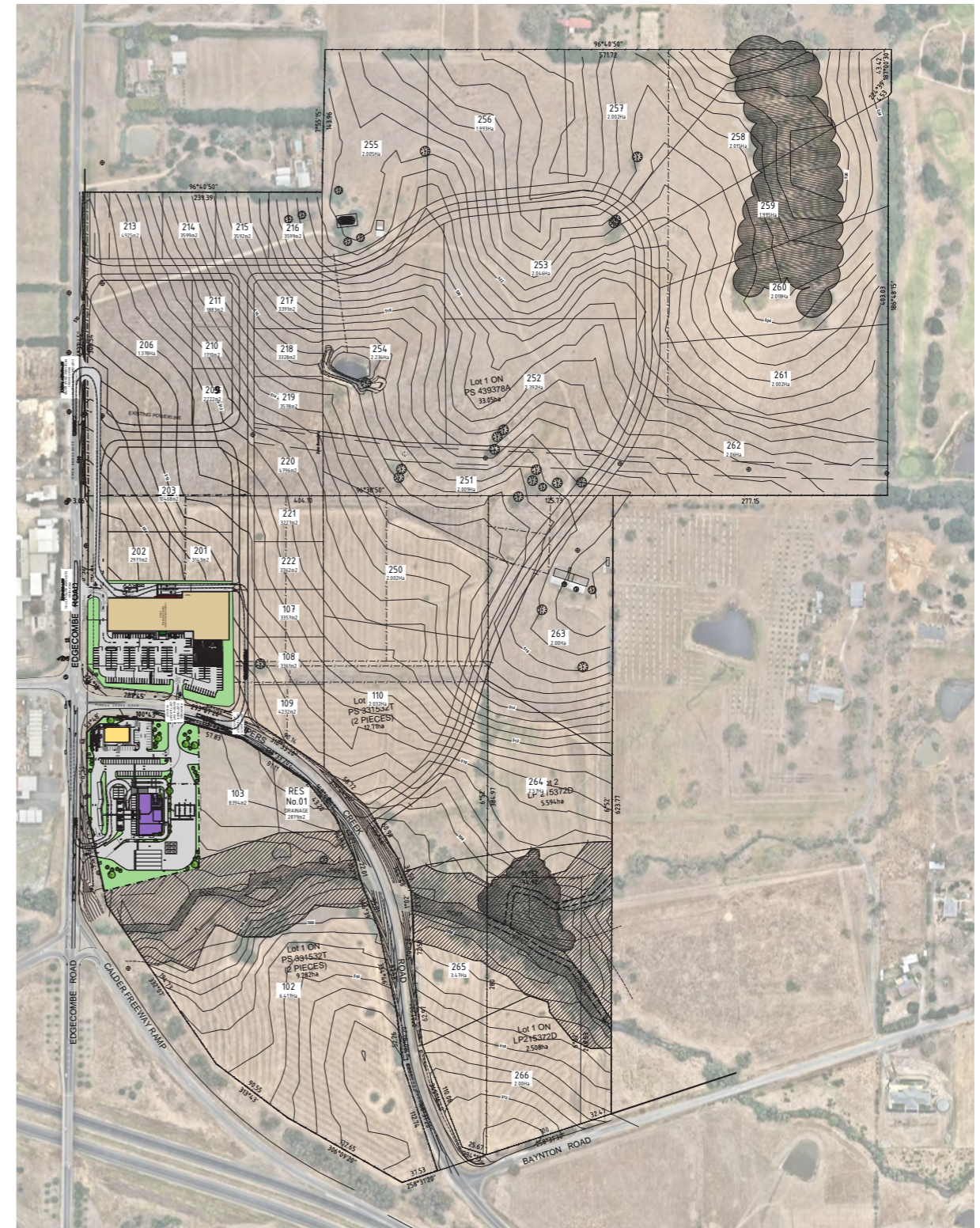


Figure 4. Complete proposed Site development plan





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Strategic context

- [2.1] The Site is located directly north of the Calder Freeway on Edgcombe Road, which connects to the established Kyneton township to the south of the Freeway via an overpass.
- [2.2] Kyneton is a regional centre located along the corridor and is part of a network of townships that are served by the Calder Freeway.
- [2.3] The Site forms part of the largely undeveloped extension of Kyneton township on the north of the Freeway, which currently partially used for industrial activity, open paddock areas and rural lifestyle living.
- [2.4] Within this context, there is support for commercial growth, in accordance with the C2Z and the Kyneton Structure Plan, and residential growth in accordance with the RLZ2.
- [2.5] The site remains one of the last landholdings within the Rural Living Zone not to be subdivided for rural residential purposes.

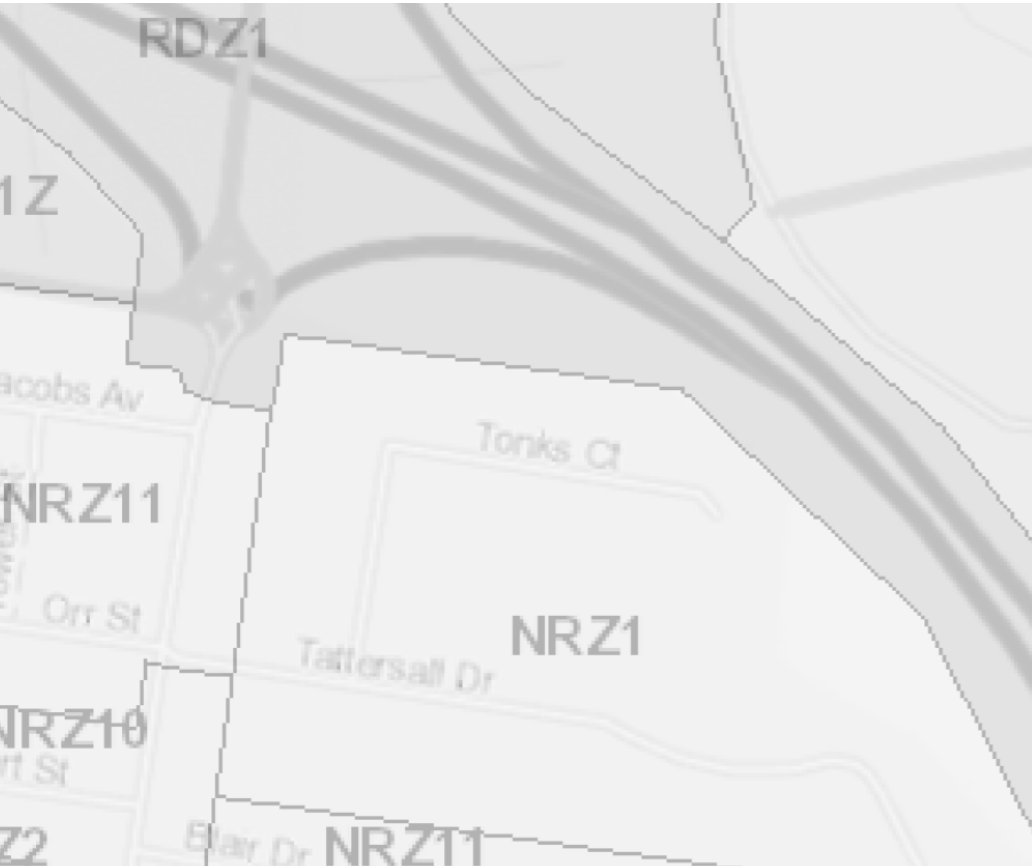
The Site

- [2.6] The site is a large 65 hectare land holding with frontage to the Calder Freeway on-ramp (inbound), with Edgcombe Road to the east and Baynton Road to the south.
- [2.7] Pipers Creek Road currently intersects the site that provides access between Edgcombe Road and Baynton Road.
- [2.8] The Site is an open, gently undulating rural landscape comprising fenced paddocks with two existing buildings and a scattering of isolated trees. Clusters of trees are located along the southern boundary where the site adjoins the Calder Freeway on-ramp.
- [2.9] Post Office Creek intersects the southern portion of the Site and runs in an east-west direction. The creek is sparsely vegetated on the commercial portion of land but is well vegetated on the residential portion. The proposal has been designed to incorporate the creek wholly within two lots on each side of Pipers Creek Road.
- [2.10] An electricity easement runs in an east-west direction across the central part of the site and a network of drainage easements are located on the south eastern corner.
- [2.11] No native vegetation has been identified to be removed as part of the proposal.

Surrounding context

- [2.12] The northern and eastern boundaries of the site are defined by completed residential development within the RLZ2 (apart from 43 Baynton Road as detailed below). The lot pattern in the area around the Site generally consists of 2 to 4 hectare lots.
- [2.13] The northern edge of the Site abuts the rear of 7 rural residential lots.
- [2.14] To east is the Kyneton Golf Course, forming the eastern-most abuttal to the Site. No access between the Site and the golf course is proposed.
- [2.15] To the south-east, the Site abuts 43 Baynton Road containing an orchard which is the last remaining farming activity occurring within this pocket of Rural Living Zoned land. The dwelling is located on the furthest-most-eastern side of the site.

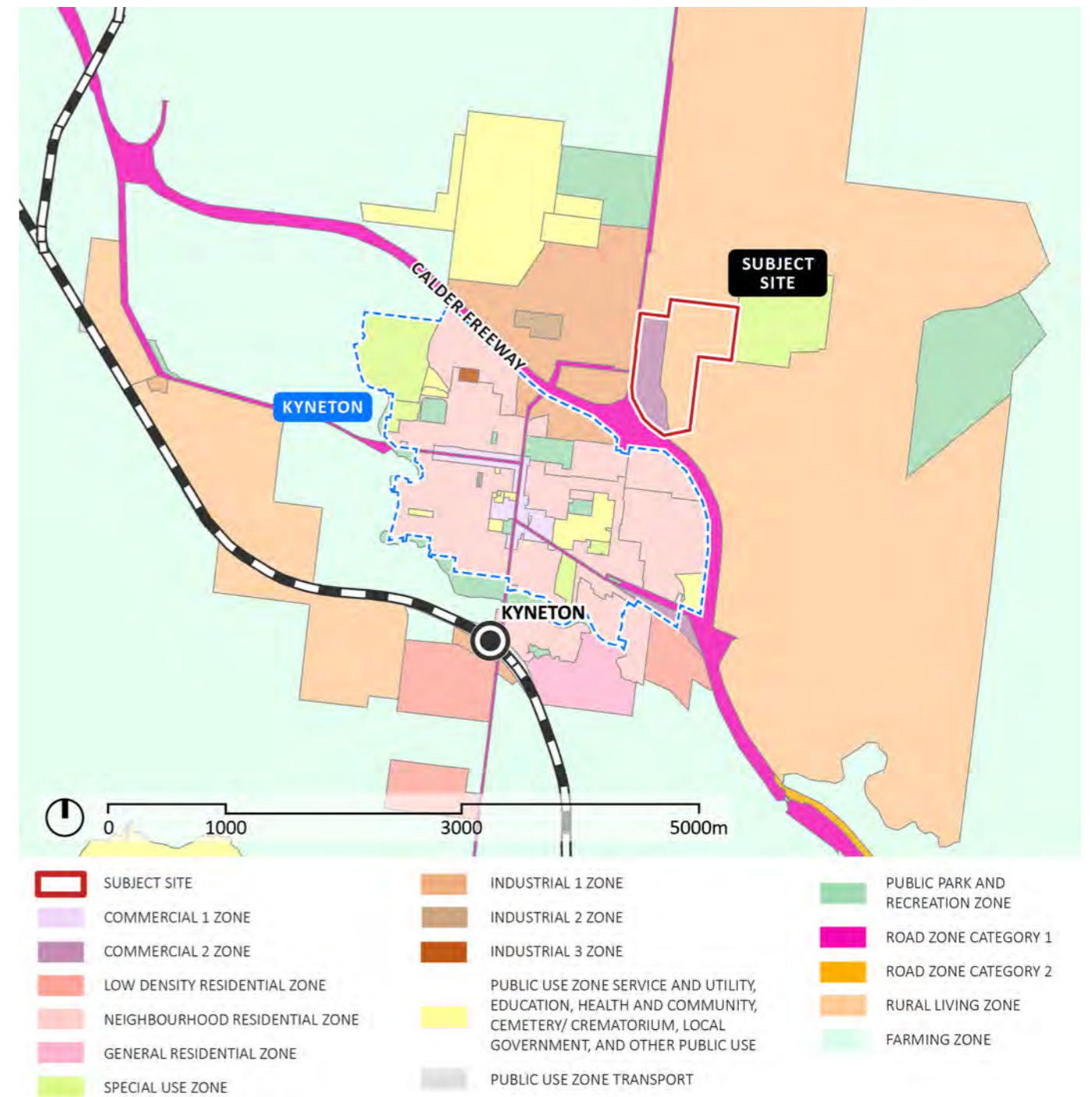
SITE AND CONTEXT



2.0

- [2.16] The western side of the Site is bound by Edgecombe Road which is a state-controlled road. Land on the opposite side of Edgecombe Road contains an isolated cluster of operational and non-operational commercial and industrial activity including a small vehicle servicing centre and the former Kyneton abattoir land. A pocket of industrial development is located 1km further west of the Site, with some standalone businesses located between the Site and the industrial precinct, along Saleyards Road.
- [2.17] The southern boundary abuts the Calder Freeway slip lane and Freeway. Across the Freeway to the south is residential land (zoned Neighbourhood Residential Zone, Schedule 1) forming the periphery to the established area of the Kyneton township.

Figure 5. Strategic context



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THE PROPOSAL



3.0

Overview

- [3.1] The subdivision proposes a combined commercial and rural residential subdivision as follows:
- a commercial development of 25 lots, a common property lot and a drainage reserve;
 - a rural residential subdivision of 18 lots;
- [3.2] It proposes Easement E-1 for an electricity line traversing the site, Easement E-2 for an electricity line, drainage and sewerage infrastructure. The proposal also includes land set aside as a drainage reserve.
- [3.3] No buildings and works are proposed as part of this proposal.
- [3.4] The existing dwelling will be retained on the east portion of the land.
- [3.5] The proposed subdivision will provide for all commercial and residential lots to front all abutting roads.

Functional road layout

- [3.6] The proposal includes a network of roads through the Site that integrate with the surrounding road network and facilitate access through the commercial and rural residential lots.
- [3.7] The road layout includes:
- a new service road to Edgecombe Road that will facilitate access to Lot 106 and 206.
 - A north-south spine is proposed within the commercial precinct. An additional east-west link provides a second new access to Edgecombe Road approximately halfway along the Site frontage.
 - a new ring road linking Edgecombe Road and Pipers Creek Road, to facilitate access to all residential lots.
- [3.8] No direct lot access is proposed to/from Edgecombe Road.
- [3.9] For commercial roads, as per the Traffic Impact Assessment prepared by GTA, the road widths have been designed to cater for large truck turning movements. The road cross section is in accordance with Council's Engineering Standard.
- [3.10] Regarding the residential road, the internal road is open ended to both Edgecombe Road via the internal commercial network and Pipers Creek Road. At the interface between the commercial road and the residential road, a threshold will be created through a wall, changes in landscape treatments and a change of road pavement (for a short length). It is expected to adopt the cross section from the IDM for a sealed pavement within a 22m wide reserve to provide for additional landscape plantings.
- [3.11] Where possible dwellings and their access will address the existing road pattern. To reinforce this for these lots, the culvert crossings will be constructed onto Pipers Creek Road. Culvert crossings will be in accordance with the relevant Council and VicRoads standard details. The crossings will be located in safe locations.
- [3.12] The long road design permits each dwelling to have two options to exit in the case of emergency.
- [3.13] Please refer to the GTA traffic assessment for further information.

Staging

- [3.14] Both the residential and commercial subdivision are proposed to include 4 stages each to provide for the

progressive development of the Site.

Commercial

- [3.15] Future Lot 104 and Lot 105 are proposed to accommodate a Service Station (including a Convenience shop and a Convenience restaurant) and a standalone Convenience restaurant as part of a separate application.
- [3.16] Lot 106 is proposed to accommodate a Trade supplies/restricted retail premises as part of a separate application.
- [3.17] Lot 102 is proposed to wholly contain Post Office Creek to the west of Pipers Creek Road.

Residential

- [3.18] The land forming part of the residential subdivision contains various isolated trees and a significant tract of bushland at the north eastern corner of the Site. Lots 257, Lot 258, Lot 259 and Lot 260 each contain part of the vegetation to the east to be retained. It is requested that a Land Rehabilitation Plan is undertaken by the way of a condition of approval.
- [3.19] The rural residential subdivision has been proposed to include indicative 40 x 40m building envelopes on each proposed lot. The envelopes have been designed at 20m from the front setback, 10m from side boundaries and each separated by a minimum 40m. Proposed Lot 265 and Lot 264 are proposed to be sited away from the edge of the riparian buffer area on either side of Post Office Creek.
- [3.20] Lot 265 is proposed to wholly contain Post Office Creek to the east of Pipers Creek Road.

Post Office Creek

- [3.21] Council pre-lodgement advice, dated 4 December 2019 requests a Land Rehabilitation Plan that incorporates a long term restoration plan for Post Office Creek, or alternatively, Council may consider obtaining the creek as a Council reserve.
- [3.22] The creek has been proposed to be contained in one ownership on either side of Pipers Creek Road (Lot 102 and Lot 265) to ensure it is maintained and managed appropriately.
- [3.23] As indicated in correspondence from Council, our client is open to negotiations to dedicate the creek as Council reserve, provided Council is willing to forego the public space contribution applicable to the proposal.
- [3.24] It is requested that a Land Rehabilitation Plan is undertaken by the way of a condition of approval.
- [3.25] The CHMP prepared as part of the application requires fencing to be erected around the creek buffer area. Any fencing that causes an obstruction to overland flow is discouraged.

Drainage and stormwater management

Commercial

- [3.26] Each site within the development will be required to detain discharges to the pre-development rates.

Pipers Creek Road – north

- [3.27] Stormwater from roads and commercial sites discharging to the roads would be conveyed through a piped system to a detention basin located by the riparian zone on Pipers Creek Road, at this site the stormwater would be treated by:

- removing of trash;
- sediments; and
- further detention.

[3.28] Stormwater would then discharge from back into the Pipers Creek Road reserve to discharge into the creek adjacent the culvert crossing.

[3.29] The road cross section would have pavement area to act as an overland flow path to avoid damaging property.

[3.30] The sizes of all pipes and water treatment basins would be determined to contain storm flows in accordance with Council Engineering requirements.

Pipers Creek Road – south

[3.31] The one commercial site on the south side of Pipers Creek Road, would detain its stormwater flow to the pre-development discharge rates and then discharge the stormwater to Pipers Creek Road to a pipe to convey the water to the creek adjacent the culvert crossing.

Rural Living

[3.32] The road cross section is designed for swale drains on either side of the road pavement. The road long section would align to minimise the concentration or change overland flow paths. It is expected culvert crossings would convey water across the road at low points. Each residential site entrance would have a constructed entrance and culvert crossing.

[3.33] Each of the sites will be approximately 2 hectares, each site has a building envelope on the more elevated parts of the site, any concentration of stormwater would be discharged to natural depressions for dispersal into waterways.

Sewerage

Commercial

[3.34] A sewerage manhole is located at the intersection of Edgcombe Road and Pipers Creek Road.

[3.35] It is proposed the sewerage reticulation mains extended to service this area from that manhole. The mains will be designed so where possible those lots which can be connected to the manhole via gravity mains discharging directly to that manhole.

[3.36] It is expected the development on the south side of Pipers Creek Road and some of the lots within the north side of the Pipers Creek Road will be required to be serviced by a main which will be gravitate down toward the Travelers Creek to a pump station.

[3.37] The pump station constructed to the requirements of the local utility provider as an authority asset, will pump back to the manhole at the intersection. For the north side lots this main is expected to be at the rear of the relevant sites adjacent the low density residential development

Rural Living

[3.38] The rural residential lots which back onto the commercial development will be able to discharge into those mains via their own pump and rising main. A covenant would be created to advise owners of the requirements and

ongoing obligations for the pump and discharges.

[3.39] Where discharge directly into the mains is not possible, each site would have a Land Capability Assessment to consider the correct method for the disposal of waste water within the site.

[3.40] A Land Capability Assessment is under preparation and will be provided to support the application in early 2020.

Electricity

[3.41] A series of high voltage mains run along the Edgcombe Road and across the Site. Some of the commercial uses are sufficiently large as to require their own substations, while others will draw low voltage from the low voltage reticulated network to be installed as part of the proposal.

[3.42] It is expected as part of the design process suitable locations for substations will be nominated and underground reticulation to individual lots will be installed as part of the development.

NBN

[3.43] The NBN advises the area is ready for connection via fixed wireless technology. Lots will be connected in accordance with NBN's requirements.

Landscaping

[3.44] It is understood that the proposed landscaping response is an integral component of the assessment of the application.

[3.45] We anticipate on providing a fully resolved landscape masterplan at a future point when the design and layout has been fully resolved to avoid duplication.

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PLANNING CONTEXT

4.0

Introduction

- [4.1] The application seeks approval for a subdivision that is consistent with the relevant Planning Policy Framework (PPF) and strategic expectations for commercial development and rural residential in Kyneton.

Planning Policy Context

Settlement

- [4.2] The orderly growth of regional townships is sought within the PPF. The policy expectation is that orderly urban growth will be located in proximity to services and transport corridors and make efficient use of infrastructure.
- [4.3] Plan Melbourne identifies Kyneton as a Regional Centre that “has capacity to support more housing and employment generating development, without impacting on the economic and environmental roles that surrounding non-urban areas serve” (Policy 7.1.2).
- [4.4] State settlement policy at Clause 11 seeks land to be managed through strategic and statutory plans to provide for the development of sustainable and liveable urban areas in an integrated manner.
- [4.5] The Local Planning Policy Framework (LPPF) supports these growth expectations in areas such as Kyneton (Clause 21.04).
- [4.6] Kyneton is identified as a "Large district town" in the Strategic Framework Plan at Clause 21.03 and strategically significant centre, which are sought to accommodate future growth (Strategy 1.2, Clause 21.04). It well serviced by the Calder Freeway and railway corridor from Bendigo to Melbourne (Clause 21.03 and Clause 21.04).
- [4.7] Kyneton is an important service and retail node for surrounding rural land, and accommodates major industries such as saleyards, abattoirs and administrative services.
- [4.8] Within this context, it is important for the Site to develop in a manner than integrates with the broader surrounding context, in addition to integrating commercial and residential uses on the Site.

Economic Development

- [4.9] State policy supports regional growth in locations that benefit from existing community infrastructure and services (Clause 11) and support rural economies to grow and diversify (Clause 17.01-1S) and provide a net benefit to the regional community (Clause 17.02-2S).
- [4.10] The Planning Scheme identifies__ Kyneton as a significant contributor to economic development.
- [4.11] There is policy support for commercial and industrial growth within the Scheme at Clause 21.10-1, which includes the following strategies:
- Strategy 1.1: *Maintain Kyneton and Gisborne as the main industrial centres in the Shire.*
 - Strategy 1.2: *Support the development of business clusters.*
 - Strategy 1.6: *Encourage new transport related industries that can maximise benefit from the Calder Freeway and access to Melbourne.*
 - Strategy 1.13: *Protect industrial and commercial zoned land, industries or other activities with significant off*

site impacts from encroachment from commercial, residential and other sensitive uses which would adversely affect business viability.

- [4.12] Clause 21.10-1 seeks to maintain the amenity of areas interfacing with industrial and commercial uses and the quality of the rural environment, including at township gateways (Strategy 2.5):
- *Ensure industrial and commercial development at township gateways and along major roads does not detract from the valued elements of the surrounding landscape.*
- [4.13] The Structure Plan seeks to support viable business and supports the ongoing growth and diversification of Kyneton. It sets out specific actions, including:
- *Encourage industry and trade related land uses on the eastern side of Edgcombe Road north of Calder Freeway in a way that avoids a compromise of the industrial area and or undermine the role of the town centre. Shop/supermarket use is strongly discouraged in this location.*

Built Environment and Heritage

- [4.14] Built environment policy at Clause 15 seeks development to respond to its context in respect of surrounding character, cultural heritage, natural features and the surrounding landscape.
- [4.15] The Site is within Macedon Ranges, which is an Environmentally Sensitive Area of State significance (Clause 13.07-1S). Within this context, the proposed subdivision is to consider the surrounding context and landscape character.

Built Environment - commercial development

- [4.16] Clause 22.06 seeks new commercial development to have regard to the preferred visual character context, key road gateways and corridors and have a positive impact on the amenity and the physical environment of the Shire.
- [4.17] The *Design Guidelines for Industrial & Commercial Developments for the Macedon Ranges, June 2012* (the Design Guidelines), are identified in Clause 22.06 as key to achieving the intent. It is policy under Clause 22.06 to assess proposals against the Design Guidelines.
- [4.18] A detailed assessment Part B (Subdivision Guidelines) is provided at Appendix A.

Built environment and Housing - Rural residential

- [4.19] Rural residential housing policy at Clause 16 seeks development to take place in locations that contain appropriate infrastructure and services to facilitate the use, and zoned to cater for it (Clause 16.01-5S).
- [4.20] It also seeks rural residential development to consider surrounding agricultural uses and existing landscape values.
- [4.21] Kyneton Structure Plan references similar expectations and seeks to consolidate residential growth and development to areas that are designated to accommodate residential development, whilst protecting long term growth opportunities and protect valued urban and rural character elements. The Residential Growth and Development map (Figure 6) identifies the Site as a location to retain limited Rural Living Development.
- [4.22] Local housing policy contains objectives and strategies specific to rural residential development at Clause 21.09-2 supports sustainable development that prioritises the natural environment and landscape, and provides a

diversity of lot sizes in areas zoned for Rural Living, and provides appropriate staging, infrastructure and access to local facilities.

[4.23] Strategies to support these objectives include:

- Strategy 1.2: *Ensure any rural residential development promotes and reflects the rural character and activities of the area, responds to landscape values and environmental constraints including potential impacts on water quality, adds to the attractiveness of the area and minimises the visual prominence of buildings in the landscape.*
- Strategy 1.4: *Ensure subdivisions seek to utilise existing good quality roads and minimise the number of additional roads created.*
- Strategy 3.1: *Require the subdivision and development of rural living zoned land to minimise impacts on the natural environment, including biodiversity, habitat, water catchments and water quality.*
- Strategy 3.2: *Support appropriately located rural residential development that responds to landscape values and environmental constraints, including Special Water Supply Catchments.*
- Strategy 3.3: *Avoid subdivision of land that is constrained by slope, drainage, soil types, native vegetation and any other topographic or environmental features.*
- Strategy 3.4: *Require building envelopes to be located away from remnant bushland, prominent ridgelines, hilltops or other visually exposed areas.*
- Strategy 3.7: *Locate access roads and development envelopes so that minimal earthworks are required.*
- Strategy 3.9: *Locate larger lots on ridgelines, hilltops, areas of vegetation, adjacent to waterways and adjacent to the Calder Freeway.*
- Strategy 4.1: *Require subdivisions to utilise adequately constructed existing roads for access, and to upgrade existing roads where necessary to provide a safe and integrated road and path network.*
- Strategy 4.5: *Require appropriate supporting infrastructure for new subdivision and development, including sealed roads, road / junction improvements, path networks.*
- Strategy 4.5: *Require development contributions or works in lieu to the satisfaction of the responsible authority for subdivision of land.*

Natural Environment

[4.24] Macedon Ranges is identified as an Environmental sensitive area of State significance under Clause 12.05-1S.

[4.25] State and local policy require the protection of waterways such as Post Office Creek, and the broader protection of water supply catchments. Development is sought to help protect and conserve areas with identified environmental and landscape values and to be sensitively designed and sited to maintain and enhance environmental assets as such (Clause 12.3-1S).

[4.26] With respect to catchment planning and management, Clause 14.02-1S and Clause 21.07-3 (Water) aim to manage catchments to avoid downstream impacts, particularly drinking water supplies, which includes maintaining natural functions of waterways, minimising erosion and reducing polluted surface runoff from

adjacent land uses.

[4.27] Key local strategies within Clause 21.07-3 include:

- Strategy 1.4: *Ensure use and development, including dwellings, on land which cannot be serviced by a reticulated sewerage system is designed, sited, managed and maintained to prevent the contamination of water supplies in the catchment.*
- Strategy 1.6: *Encourage larger lots where there are drainage lines, waterways and steep slopes*
- Strategy 1.7: *Require on site property works that enhance water quality. These works may include fencing of gullies and waterways and revegetation of gullies and waterways*
- Strategy 1.8: *Ensure the natural drainage functions are retained in the development of land for residential purposes.*
- Strategy 1.10: *Require commercial, residential or industrial uses to demonstrate the activity will provide a net benefit to the health of the waterway.*

Assessment

[4.28] Kyneton is recognised as a regionally significant location and the proposal appropriately responds to the strategic need for its commercial and residential expansion.

[4.29] The Site is a strategic location for commercial and residential expansion due to its proximity to surrounding services and infrastructure.

[4.30] The proposal will support the commercial and residential growth aspirations sought for Kyneton, in addition to servicing a broader catchment due to its location on the Calder Freeway.

[4.31] The proposed commercial precinct (including a Service station (and integrated uses), Convenience restaurant and Trade supplies development) is a positive response to the Site's strategic policy context in that:

- It provides for the orderly expansion of the Kyneton township and the Kyneton industrial park to the north of the Calder Freeway;
- The proposal provides a strategic economic contribution to Kyneton and the broader region
- The proposal meets strategies in Clause 21.10-1 by providing a cluster of business development and transport related industries on land adjacent to the Calder Freeway
- It is currently undeveloped;
- It is accessible to the broader Kyneton area being located on the northern entrance to the township and benefits from a main road frontage;
- It does not undermine other industrial areas or the retail centre of Kyneton;
- The subdivision is consistent with the Design Guidelines;
- The subdivision has been designed to protect the natural environment, insofar as no vegetation will be removed and Post Office Creek will be protected by its designation in one ownership and surrounding buffer.

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[4.32] The proposed rural residential subdivision is a positive response to the Site's strategic policy context in that:

- It is designated to be used for rural residential development;
- It provides for the orderly expansion of the Kyneton township and fits within the surrounding rural residential development context to the north-east of Kyneton;
- It is currently undeveloped;
- It is accessible to the broader Kyneton area being located in proximity to Edgecombe Road and the Calder Freeway;
- It contains various environmental features that can be appropriately protected and managed due to the location of the road network, retention of vegetation and containment of Post Office Creek in one ownership.

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PLANNING PROVISIONS

5.0

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Overview

[5.1] The Site is subject to the following provisions of the MRPS:

- Commercial 2 Zone;
- Rural Living Zone, Schedule 2;
- *Kyneton Structure Plan*, including the *Kyneton Industrial Masterplan*;
- Environmental Significance Overlay, Schedule 4 (ESO4).

Planning Context

Commercial 2 Zone

[5.2] The purpose of the C2Z is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

[5.3] Decision guidelines apply at Clause 34.02-7 in relation to use, subdivision and buildings and works.

Rural Living Zone, Schedule 2

[5.4] The purpose of the RLZ is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

[5.5] Clause 35.03-3 states that each lot must be at least the area specified for the land in Schedule 2. Schedule 2 designates a 2 hectare minimum subdivision area (for all land outside Area 1), which the proposal complies.

[5.6] Decision guidelines apply at Clause 35.03-5 in relation to general issues, agricultural issues, environmental issues and design and siting issues.

Kyneton Structure Plan and Kyneton Industrial Masterplan

[5.7] The Structure Plan, designates the broader area on the northern side of the Calder Freeway in two parts; a primary "Industry and Employment Precinct" and "Industry Service Uses" area, with the latter covering the commercial area of the Site.

[5.8] The "Industry Services Uses" area is sought to facilitate industry and trade related land uses without impacting

other industrial areas, or the retail role of the town centre in Kyneton.

[5.9] *Kyneton Structure Plan* incorporates the *Kyneton Industrial Masterplan* (refer Figure 7) which provides guidance on the road and subdivision layout for the Site.

[5.10] The proposal incorporates key features of the Masterplan into the design, include:

- A variety of small, medium and large lots, generally regular in shape and ranging from:
 - less than 0.2 hectares;
 - 0.2 hectares - 0.5 hectares;
 - 0.5 hectares - 1 hectares; and
 - 1-2 hectares
- A conceptual road network including:
 - a north-south spine;
 - east-west connector roads that provide a connection to rural living land further east; and
 - a service road along Edgcombe Road.
- A waterway/drainage corridor along Post Office Creek
- Direct interface between commercial lots and surrounding residential land.

[5.11] Other key features identified on the plan include existing infrastructure networks, a small encroachment into the 500m Meat Works buffer, rural interface (requiring a 5m vegetation screen) and two access points.

Environmental Significance Overlay, Schedule 4

[5.12] The Site is located wholly within the Environmental Significance Overlay Schedule 4 (Eppalock Proclaimed Catchment). The purpose of the overlay is to ensure the protection and maintenance of water quality and water yield within the Eppalock Water Supply Catchment Area.

[5.13] A permit is required for subdivision within the ESO4 area.

[5.14] The ESO and ESO4 contain relevant decision guidelines which include ensuring proposed development provides a net benefit to the stability and health of the waterway, the need to maintain and re-vegetate land within 30 metres of a watercourse, and proximity of effluent and irrigation fields to watercourses.

[5.15] It is noted that the creek is subject to a CHMP which provides recommendations for the management of the creek.

Assessment

Commercial subdivision

[5.16] The proposed subdivision of commercial land is consistent with the C2Z.

[5.17] It will enable the development of the land in accordance with the Kyneton Structure Plan and Industrial Masterplan. Specifically:

- The proposed subdivision supports the "Industry Services Uses" area designation and will facilitate industry and trade related land uses without impacting the Kyneton town centre
- The proposal provides for a diversity of lot types on a grid pattern that is well serviced by existing infrastructure.
- Commercial lots are sufficient in size to provide for commercially viable development opportunities in addition to providing 5m planted buffer areas at the interface with surrounding rural residential land.
- No vegetation removal is proposed, including the existing vegetation buffers between the Calder Freeway on-ramp and proposed Lot 102.

Rural residential subdivision

[5.18] The Site is appropriate to accommodate rural residential growth due to its zoning, its location on the northern side of Kyneton township. Specifically:

- The Site will appropriate services to the proposed lots including electricity, reticulated water and road accessibility.
- The subdivision has been proposed to consider the landscape values of the Site, including the slope.
- The proposal has been designed to result in no vegetation removal, and the retention of large established bushland on the north east of the site will be protected through conditions on title.
- The undulating topography of the Site will allow for future dwellings to fit comfortably within the landscape without any significant ridgelines and visual prominent buildings.
- The rural subdivision has been designed to fit around one new 'ring road' that will provide access to majority of the lots that will avoid excessive earthworks. The road has been designed to cater for new plantings to enhance the new streetscape and reinforce the rural landscape character of the area.
- Proposed residential lots are proposed to orientate away from the Commercial 2 Zone land and are large 2ha lots that allow for building envelopes with a sufficient buffer to the commercial land.
- There are four lots (Lot 262, Lot 263, Lot 264 and Lot 267) that contain interface the existing farm land to the east. It is noted that the existing dwelling located on the Site is the closest proximity to the agricultural land. Considering the land is used as an orchard and is located within the RLZ, this is not considered to be a detrimental land use conflict.

Cultural Heritage

[5.19] The Site contains land within an area of Aboriginal Cultural Heritage Sensitivity around Post Office Creek. The Site required a Cultural Heritage Management Plan (CHMP) to be prepared to accompany the application.

[5.20] State policy at Clause 15.03-2S seeks to ensure the protection and conservation of Aboriginal cultural heritage significance, which includes ensuring permit approvals align with the recommendations of the CHMP.

[5.21] To protect land identified as areas of Aboriginal Cultural Heritage, it is proposed that Lot 102 and Lot 265 contain a condition on title to ensure the land is not used for development, in accordance with the CHMP.

[5.22] The CHMP is provided as part of the application package.

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18/05/2020

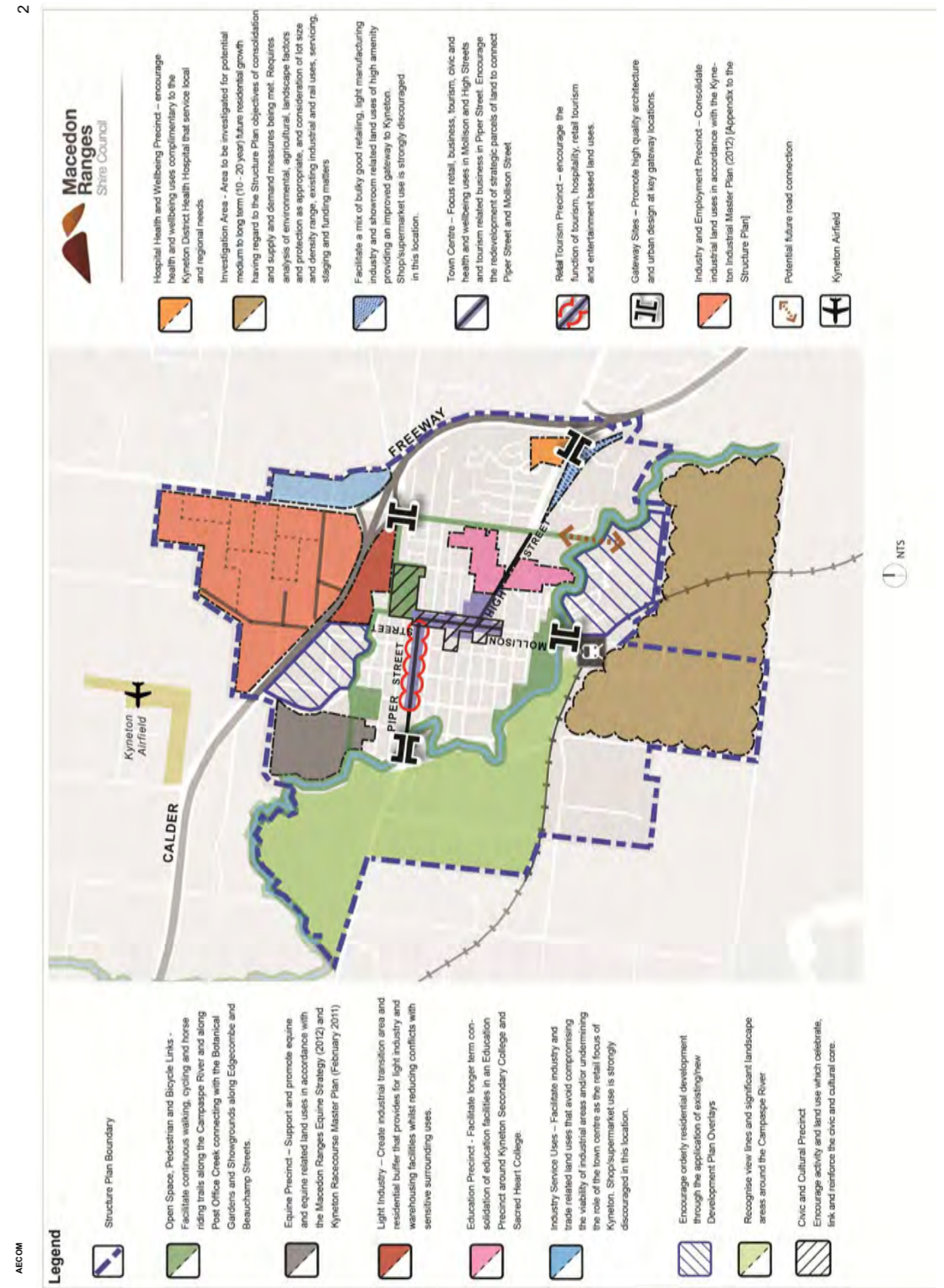
Eppalock proclaimed catchment and Post Office Creek

- [5.23] The proposal has been strategically designed to avoid adverse interference with Post Office Creek, its surrounding riparian corridor and the removal of trees.
- [5.24] To ensure protection of the creek, the lot configuration provides the creek and associated riparian corridor to be wholly within two lots (Lot 102 and Lot 265).
- [5.25] Each proposed lot that contains part of Post Office Creek will contain restrictions within the buffer area to be considered in accordance with the CHMP and referral agency requirements.

Public open space contribution and subdivision

- [5.26] Clause 53.01 applies to require a person who proposes to subdivide land to make a mandatory contribution to the Council for public open space in an amount specified.
- [5.27] The Schedule to the Clause requires proponents to provide a 5% land and/or cash contributions for all land in the municipality.
- [5.28] As previously mentioned, our client is open to negotiations with Council to dedicate Post Office Creek as Council reserve, in lieu of providing the 5% contribution.

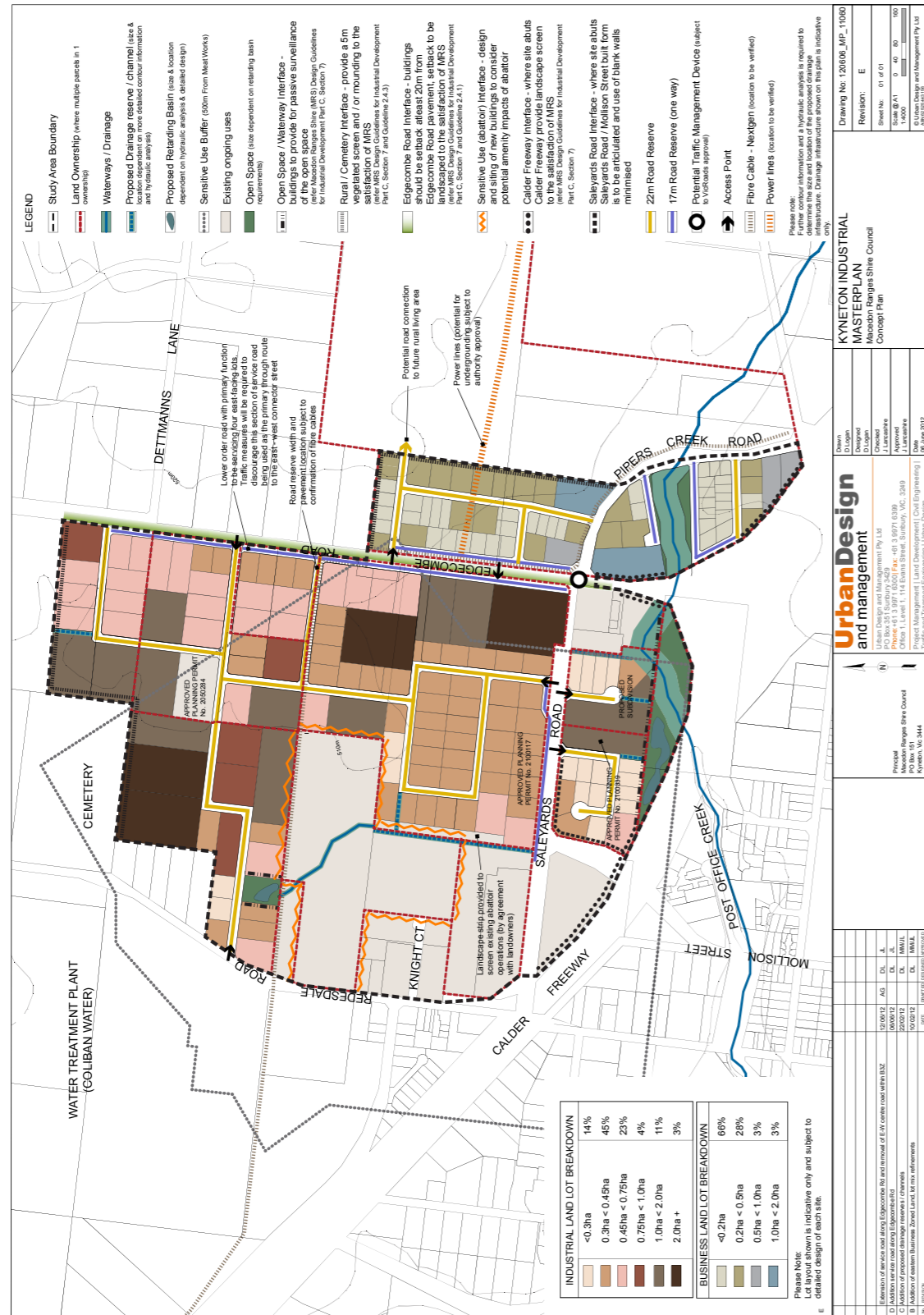
Figure 6. Kyneton Structure Plan



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14 June 2013

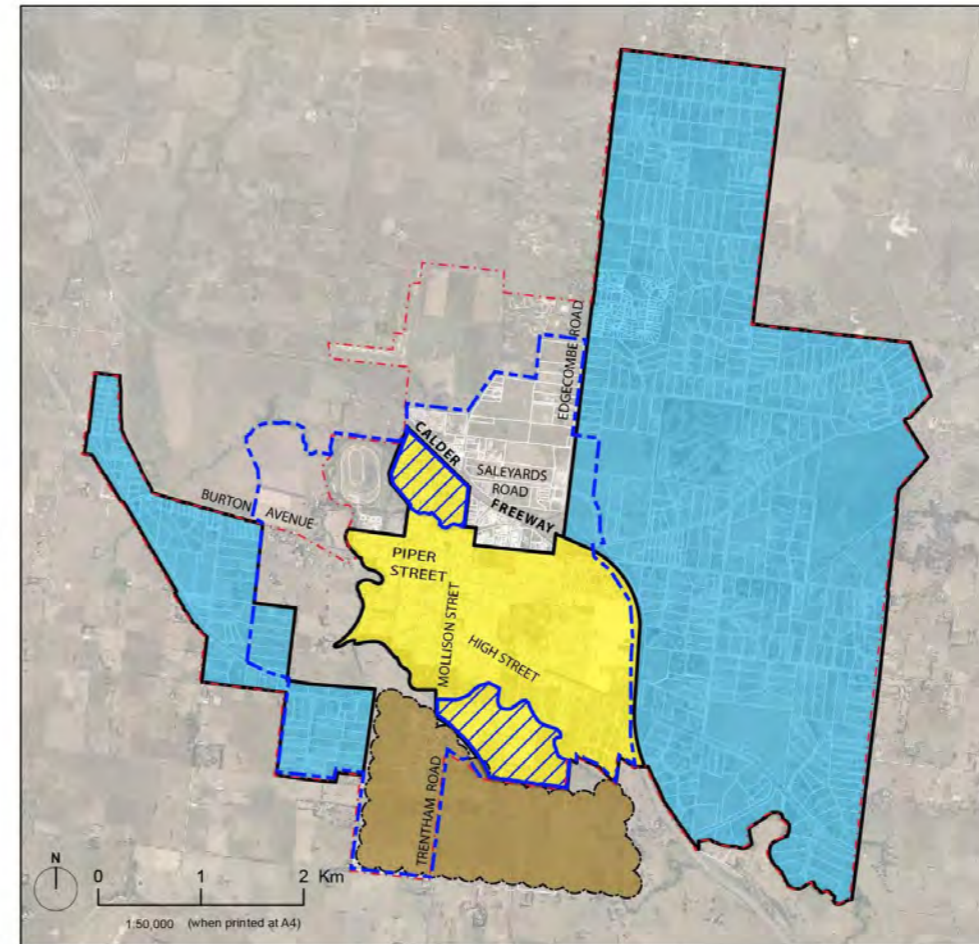
Figure 7. Kyneton Industrial Masterplan



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Figure 8. Residential Growth and Development (Kyneton Structure Plan)

Figure 6 Residential Growth and Development



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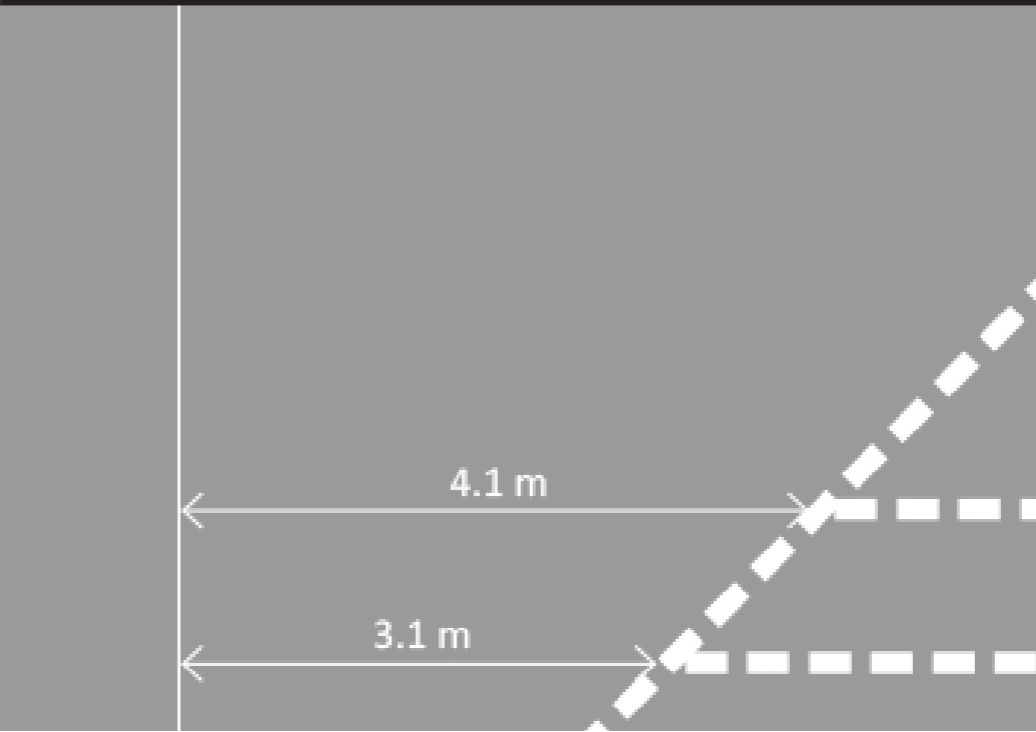
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CONCLUSION

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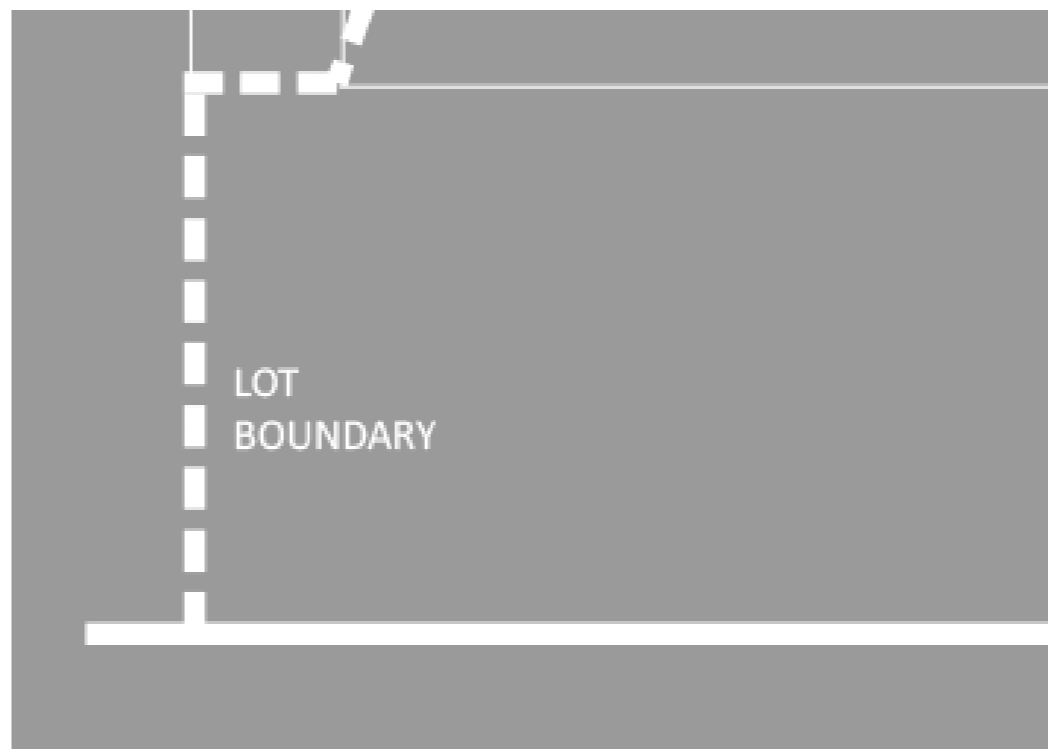
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- [6.1] Having had consideration for all of the above, we submit that this application demonstrates an appropriate development outcome for the site. In particular, the following areas are of importance:
- The proposal directly responds to the Site's zoning for a commercial development alongside rural residential living.
 - The proposal is well integrated, including a well-connected movement network across the commercial and residential components, which links appropriately to Edgecombe Road.
 - The commercial precinct has been designed with lots that are suitably designed and sited to cater for local small scale business pursuits that support the broader industrial and commercial precinct to the north of Kyneton
 - The commercial precinct benefits from the Calder Freeway accessibility.
 - The commercial subdivision is generally consistent with the *Kyneton Structure Plan and the Kyneton Industrial Masterplan* and the *Design Guidelines*.
 - The rural residential subdivision component has been designed with generous lot sizes that consider the site characteristics and avoid any significant impacts on natural features including Post Office Creek and large tracts of existing vegetation.
 - Post Office Creek and the broader Eppalock Water Supply Catchment have been considered as part of the proposal and will not be adversely impacted due to the siting and design proposed.



[6.2] It is therefore submitted that the application is an acceptable outcome that complies with the key relevant elements of the Macedon Ranges Planning Scheme and should be supported.

APPENDIX A



7.0

**Advertised
18/05/2020**

1. Site Responsive Design	
1.1 Site and Context Assessment	
Guidelines	Assessment
<p>1.1.1 Before any subdivision design is undertaken, a thorough investigation of the site and its context should be undertaken, so that the new subdivision will respond in the most appropriate way. This will include an analysis of:</p> <ul style="list-style-type: none"> Surrounding existing and future land uses - sensitive interfaces, key land uses etc. Surrounding existing and future transport networks - road, pedestrian and cycle paths, and public transport. Areas of vegetation. Natural and man-made features within the site - landform, exposed geological features, wind row planting etc. Predominant landscape and cultural heritage character of the area. Assessment of drainage systems both within and beyond the site. Views from within the site to significant land form or water bodies and views to the site from key public locations. Climatic conditions including solar access and prevailing winds. It will need to be demonstrated that the subdivision design responds to each of these elements. 	<p>Complies</p> <p>An investigation of the site and its context has been undertaken and detailed within the body of this report.</p>
2. Access & Circulation	
2.1 Street Network	
2.1.1 New subdivisions should provide connected road networks to enable greater pedestrian, cycle and vehicle permeability and avoid the use of cul-de-sacs. Streets should connect to existing established road networks and enable future connections to adjoining areas, where required (refer to Figure 4 and 5).	<p>Complies</p> <p>The proposed road alignment connects to existing streets, including Pipers Creek Road and Edgcombe Road. It does not include cul-de-sacs or dead-ends.</p>
2.1.2 Design street networks to integrate with natural drainage systems and accentuate the topographic features of the site.	<p>Complies</p> <p>The street network for the commercial development has been designed on a grid and on flat land.</p>
2.1.3 Orientate streets to take advantage of viewlines to surrounding landscape elements such as mountain ranges or valleys. The street should be orientated so that the key view is available from within the street (refer to Figure 6).	<p>Complies</p> <p>The street network will provide viewlines towards Kyneton township, and the Macedon Ranges in broader views.</p>
2.1.4 Roads should be designed to enable buildings to front onto creek reserves and open space (refer to Figure 4).	<p>Complies</p> <p>Post Office Creek is proposed to be encompassed by one large lot (proposed Lot 102).</p> <p>Any future built form will be subject to further review. It will have opportunity to orientate toward the creek.</p>
2.1.5 Maximise passive solar access opportunities for allotments by orientating roads on a north-south and east-west axis.	<p>Complies</p> <p>The road network for the commercial subdivision generally designed along a north-south, east-west axis.</p>

2.1.6 A logical road hierarchy should be provided where necessary that can be easily understood by all users. Refer to Figure 7- Suggested Cross Sections for potential road types.	<p>Complies</p> <p>Apart from the proposed service road alignment along Edgcombe Road, all roads are proposed as local roads.</p>
2.1.7 B-double truck access should be limited to locations where a B-double route is approved. A Traffic Engineer's report should be provided to demonstrate that the B-double vehicles can enter, exit and manoeuvre within the subdivision safely and efficiently, with minimal impact on the streetscape and surrounding uses.	<p>Complies</p> <p>The traffic report prepared by GTA identifies the B-double vehicle route which includes appropriate ingress and egress from the site, including the proposed service station.</p>
2.1.8 Roads should be designed in accordance with Council's Engineering Requirements for Infrastructure Construction Policy and the relevant Australian Standards.	<p>Complies</p> <p>Roads have been designed in accordance with the relevant design standards. Refer traffic report prepared by GTA for further detail.</p>
2.2 Pedestrian & Cyclist Access	
2.2.1 Develop a pedestrian and cycle network as part of the subdivision application that provides for continual and safe access between the future allotments and the surrounding services, facilities and public transport within the area. The network should connect into existing trails where possible and provide signage to direct people to these connections (refer to Figure 7).	<p>Complies</p> <p>The road network will provide for appropriate pedestrian and cycle opportunities that provides for safe and continual accessibility. Connectivity is available along Edgcombe Road into the Kyneton township and train station.</p>
2.2.2 Where required for open space and linear networks, shared bicycle / pedestrian paths should be provided to one side of the open space, waterway or road, having a minimum width of 2.5m and be constructed with a sealed surface (refer to Figure 7).	<p>Complies</p> <p>Shared bike and pedestrian paths can be provided in the reserve area. This can be resolved as part of the future landscape masterplan.</p>
2.2.3 For major roads, where required, pedestrian paths with a minimum width of 1.5m are to be provided on both sides of the road (except where a shared 2.5m, wide path is instead required) and constructed with a sealed surface.	<p>Complies</p> <p>Pedestrian paths will be incorporated into all new proposed road alignments across the Site.</p>
2.2.4 To reduce the potential for conflict there should be an appropriate level of separation and/or wayfinding for cyclists where needed on shared pedestrian links.	<p>Complies</p> <p>An appropriate level of wayfinding for cyclists can be provided by the way of a condition of approval.</p>
2.3 Public Transport	
2.3.1 Where required, relevant anticipated streets should be designed with sufficient width so they are capable of carrying bus services if required in the future. Refer to Figure 7 for typical carriageway widths.	<p>Justified</p> <p>The <i>Kyneton Structure Plan</i> seeks to 'promote the expansion of the Kyneton Town Bus Services to better connect with train services' which is identified on Edgcombe Road (refer Figure 5).</p> <p>Considering this, the proposed subdivision is not anticipated to accommodate future bus services due to the proximity to Edgcombe Road.</p>
3. Lot Layout	
3.1.1 Lot sizes are to be of an adequate size and dimension, to enable objectives and guidelines contained in Part C - Development Guidelines to be satisfied for future Development.	<p>Complies</p> <p>Lot sizes are of an adequate size and dimension to accommodate future buildings in accordance with the zone requirements and Part C of the guidelines.</p>
3.1.2 Applicants will be required to demonstrate that a suitable building envelope can be achieved whilst satisfying the Setback, Landscaping, Access and Built Form objectives and guidelines in Part C. This does not apply where the proposed lots have an area of at least 2,000 sqm and have a frontage width of at least 30m.	<p>Complies</p> <p>This guidelines applies to Lot 209 (1,746m²), Lot 210 (1,710m²) and Lot 211 (1,883m²). These lots are generally compliant with objectives identified.</p> <p>Lots 209, 210 and 211 all have a frontage greater than 30m.</p>

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18/05/2020**

3.1.3 Lots should be regular in shape to provide for efficient use of land and enable a range of industrial and business uses to be accommodated on the lot.	Complies All lots are rectangular in shape and designed to enable a range of industrial and business uses, in accordance with building and siting requirements.
3.1.4 Orientate lots so that buildings can be sited to maximise passive solar design. This would require a north-south or east-west orientated lot (refer to Figure 9).	Complies The subdivision layout and road network has been designed to provide for north-south and east-west orientated lots.
3.1.5 For corner allotments with two street frontages, the lot should be orientated so that the building will front onto the higher order road within the road hierarchy (refer to Figure 9).	Justified Considering the nature of the subdivision, future buildings are likely to front onto the local road network to avoid future access conflicts along Edgcombe Road (state-controlled road) or the service road. Future buildings will have the opportunity to provide activation to each frontage.
3.1.6 Orientate allotments so that buildings can capture views to surrounding landscape.	Complies Lots have been orientated in accordance with the Kyneton Industrial Masterplan and will capture views where possible.
4. Landscape & Open Space	
4.1 Streetscapes	
4.1.1 Develop a landscape masterplan for new streetscapes in subdivisions. Refer to Council's Street Tree Policy for additional guidance. The landscape masterplan will: <ul style="list-style-type: none"> Incorporate elements of the rural character in new streetscapes. This includes providing verges, incorporating existing significant vegetation within the streetscape and utilising swale drains where practical (refer to Figure 10). Utilise street tree spacing and siting to reinforce the desired character for an area. i.e. formalised avenue planting could be used for areas such as estate entries and clump planting could be utilised to reinforce the informal character of a street (refer to Figure 11). Provide for trees or groups of trees spaced at a maximum of 12m apart and as near as possible to the centre of each allotment. Generally utilise native or indigenous canopy trees that require minimal irrigation and reflect the local character of the area. Utilise exotic species for feature planting or if appropriate to the character of the area provided the trees can be irrigated without utilising the potable water supply. Utilise low level shrubs and grasses in conjunction with canopy trees (refer to Figure 12). Utilise low maintenance passive irrigation techniques so that street trees can be irrigated with stormwater captured on the site (refer to Figure 12). Where appropriate, incorporate low key entry features that utilise landscaping rather than large built elements to define the entry to the estate. 	Justified It is noted that a landscape masterplan is required, however, it is requested that the plan be prepared at a later date when the subdivision design has been resolved to avoid duplication.

4.1.2 Provide street furniture including seating and bins around key open space nodes and convenience stores within new subdivisions. Furniture is to reflect the rural character of the area.	Justified A landscape masterplan is required, however, it is requested that the plan be prepared at a later date
4.1.3 Incorporate street lighting that is sited and designed to provide for a safe journey along pedestrian paths in accordance with the Australian Standards.	Complies Street lighting will be dealt with through the detailed design stage. Street lighting will be designed in accordance with the Australian Standard.
4.2 Open Space Provision and Design	
4.2.1 Public open space should be provided at the rate of 5% of all land that is to be subdivided for industrial or business uses.	Complies Refer planning report for details.
4.2.2 Where agreed by Council, a contribution may be paid to the Council to the equivalent value of 5% of all land that is to be subdivided for industrial or business uses.	
4.2.3 Where encumbered land is to be retained as open space, this will not be included within the 5% contribution.	
4.2.4 Distribute open space throughout the subdivision so that it is accessible to workers of the business or industrial area, and other surrounding land uses.	
4.2.5 Incorporate natural elements into the open space network such as creeks or water bodies and areas of established vegetation (Refer to Figure 13). Provide linear open space links along creeks with appropriate pedestrian and bicycle access.	
4.2.6 Site open space to optimise views and vistas to key landmarks and topographic features such as the Macedon Ranges.	
4.2.7 Design street networks so that buildings will front onto the open space on each side and provide smaller lots at the open space frontage in order to achieve greater activation (refer to Figure 14).	
4.2.8 Locate uses such as cafes and convenience shops adjacent to the open space to take advantage of the outlook and provide a location for staff and visitors to enjoy outdoor dining (refer to Figure 14).	
5. Interface Treatments	
5.1.1 Where appropriate, create a separation between proposed industrial and business areas, and residential, low density residential and sensitive uses, by providing a road with at least a 10m wide landscape buffer or a substantial open space area with a minimum width of 20m (refer to Figure 14). The landscape buffer or open space should incorporate landscape screening and noise attenuation techniques such as planting and mounding.	Refer Guideline 5.1.2.

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5.1.2 Where the above treatments are not practical as considered by the responsible authority, provide larger lots at the interface to residential, low density residential, or rural areas so that a substantial landscaping screen or buffer can be accommodated within the proposed industrial allotment (Refer to Figure 15 and Part C, Guideline 5.1.16 for further detail).	<p>With respect to the interface between proposed commercial lots and low density residential lots the proposed configuration provides:</p> <ul style="list-style-type: none"> • Larger commercial lots, all exceeding 3,200 square metres in area, to the interface with low density residential lots • These lots are proposed with a screen planting zone that will mitigate adverse amenity implications between uses. <p>The landscape screen will include a variety of trees, shrubs, grasses, sedges and groundcovers.</p>
5.1.3 For main road and township entry areas, design the road network so that development will front onto the major road by providing direct access to the road where considered appropriate, or by utilising service roads. Uses that provide for higher quality built form outcomes should be located along the major road.	<p>Complies</p> <p>The Site will utilise a service road for access along Edgcombe Road.</p> <p>Commercial uses will be developed in accordance with the C2Z.</p>
5.1.4 For rural and Calder Freeway interfaces, provide a road between the rural property or Freeway and the proposed industrial area, so that development can front the rural area or freeway.	<p>Not applicable</p> <p>The proposal does not have rural or Calder Freeway interfaces. Proposed Lot 102 will have frontage to the Freeway slip lane.</p>
5.1.5 For open space, creek or water body interfaces, provide a road between the open space, creek or water body and the proposed subdivision, so that development can front onto the interface to provide passive surveillance and capture an attractive outlook. Alternatively a pedestrian path / driveway can be provided if a road is not required or feasible.	<p>Justified</p> <p>Creek interface will be included within private ownership. Future commercial and residential lots will have opportunity to front the creek interface.</p> <p>The CHMP sets out specific requirements for creek management.</p>
6. Stormwater Management	
6.1.1 Stormwater and drainage infrastructure should be provided in accordance with Council's Engineering Requirements for Infrastructure Construction Policy.	<p>Complies</p> <p>Please refer the proposed drainage and stormwater strategy forming part of the planning report.</p>

6.1.2 In addition to the engineering standards, design for stormwater and drainage should:	<p>Complies</p> <p>Proposed stormwater and drainage has been designed to:</p> <ul style="list-style-type: none"> • Retain and enhance the natural drainage of the Site • Future development will be setback from Post Office Creek and incorporates a riparian buffer zone in accordance with the North Central Catchment Management Authority. • A drainage reserve has been proposed to retard and treat stormwater on site. • The proposal will incorporate Water Sensitive Urban Design features in streets and within the drainage reserve.
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6.1.2 In addition to the engineering standards, design for stormwater and drainage should:	<ul style="list-style-type: none"> • Take into account the natural drainage characteristics of the site and surrounds and design the system to integrate with these features. • Retain and enhance the function of natural drainage features in the area including drainage corridors and waterways. Development should be set back from the drainage corridors and waterways in accordance with any referral authority requirements and State Planning Policies. • Aim to minimise stormwater run-off by limiting the amount of impervious surfaces and utilising pervious surfaces to maximise infiltration. • Retard and treat stormwater on-site or within a consolidated area before it is discharged into the drainage system or waterways to the satisfaction of Macedon Ranges Shire Council and the relevant referral authority. • Be designed to be economically maintained and create attractive features within sites or streetscapes. • Incorporate Water Sensitive Urban Design features to manage run-off in streets and public open space. These features should be designed to the approval of the Macedon Ranges Shire Council and relevant referral authority requirements. • Optimise capture, retention, treatment and re-use of water on site by addressing an integrated whole 'of water cycle' approach to water management, involving permeable surfaces, storage, wetlands and roof collection as appropriate.
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