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Planning Report

85 HARPERS LANE, KYNETON



Multi Lot Subdivision, Removal of Native Vegetation and Removal of Easements E-1 and E-4

Reference: 25247

Millar | Merrigan

Land Development Consultants

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FORMAL LAND DESCRIPTION:

Lot 2 on PS827043

PROPOSAL:

Multi Lot Subdivision, Removal of Native Vegetation and Removal of Easements E-1 and E-4

RESPONSIBLE AUTHORITY:

Macedon Ranges Shire Council

DOCUMENT STATUS:

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EXECUTIVE SUMMARY

Millar Merrigan have been engaged to lodge this planning application for **Multi Lot Subdivision, Removal of Native Vegetation and Removal of Easements E-1 and E-4 at 85 Harpers Lane, Kyneton.**

The land is contained within the Low Density Residential Zone which encourages low density residential development. The proposed lots will be connected to sewer and as such a minimum lot size of 2,000sqm applies.

The only overlay applicable is the Environmental Significance Overlay which identifies the Eppalock Proclaimed Catchment. The proposed subdivision will not result in detriment to water quality or yield and a Stormwater Management Strategy has been prepared by Afflux Consulting to outline the intensions for stormwater.

The land is identified as a Bushfire Prone Area and given the cleared nature of the surrounds, BAL-12.5 construction standards can easily be applied to future dwellings and as such the subdivision accords with Clause 13.02 Bushfire.

There are a number of scattered remnant trees present on site and a Biodiversity Assessment has been prepared by Ironbark Environmental Arboriculture. The three step approach of avoid, minimise and offset has been applied.

A Landscape Master Plan has been prepared by Weir & Co to indicate the intentions for landscaping within streetscapes and open space reserves to ensure that an attractive leafy estate is created.

The land can be fully serviced by reticulated infrastructure and is within a short distance of the range of facilities that the township of Kyneton has to offer.

Cardno have prepared a Traffic and Transport Assessment in relation to the proposed subdivision and conclude that Harpers Lane does not require any significant road upgrade based on anticipated traffic volumes and that the internal layout is designed in accordance with IDM requirements.

The developer has undertaken a pre-application meeting with Senior Statutory Planning Officer Damien Hodgkins.

This report seeks to demonstrate how the proposed subdivision is appropriate in terms of achieving State and Local planning objectives and policies.

1 SITE DESCRIPTION

The site is a rectangular shaped lot located on the west side of Harpers Lane, Kyneton. It comprises of 23.84 hectares and has a road abuttal of approximately 613m. The road reserve of Wattle Way abuts the southern boundary of the site however there is no physical road access in this location.

The land is vacant with no improvements aside from some farm fencing.

Access is available via a farm gateway at the south-western end of the property.

The land has a general slope from south to north and a noticeable escarpment is located at the northern end of the property.

Due to the long established farming activities the land comprises predominantly of pasture grass and there are several small Hawthorn (*Crataegus monogyna*) scattered throughout. These are an introduced weed species not worthy of retention. There are also a handful of scattered remnant trees and a Biodiversity Assessment Report has been prepared by Ironbark Environmental Arboriculture to assess the vegetation and provide recommendations for retention/removal. It finds that Trees 1 – 4 have a *high* retention value based on *high* visual amenity value, *fair – good* health and a useful life expectancy (ULE) of more than 10 years. Trees 5 – 7 have a *medium* retention value based on *medium-high* amenity value, *poor – fair* health and *poor – fair* structure. Refer to the attached report for further details.



Figure 1: Aerial Photograph

Two electrical easements are located along the southern end of the site and in total offer a width of 7.5m. A water pipeline easement crosses the south-eastern corner and a drainage easement

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extends from the northern boundary of the site across the abutting land towards Lauriston Reservoir Road. There are no restrictions applicable and a full copy of title is attached.

The below photographs provide a visual representation of site conditions:



Photograph 1: Looking towards the site from Harpers Lane



Photograph 2: Looking east across the northern end of the site



Photograph 3: Looking north-west across the side from the adjacent site

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Photograph 4: Looking north-east from the escarpment



Photograph 5: Looking south down Harpers Lane



Photograph 6: Looking east across the dam adjacent to Harpers Lane



Photograph 7: Looking north-east across the site from the south-west corner

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2 SURROUNDING AREA & NEIGHBOURHOOD CHARACTER

The land is located some 700m south of the residential areas of Kyneton Township. The urban areas are contained within the General Residential Zone or Neighbourhood Residential Zone, with the central hub within the Commercial 1 Zone, see Figure 2 below. Rural Living Zone surrounds the urban areas with some portions of Farming Zone in between. The land is contained within a pocket of Low Density Residential Zone land and a further patch of developed low density land is present to the south. The local train station is 1km north east and is on the Bendigo Vline, providing a link to Southern Cross station.

The town presents a country feel and the periphery areas offer spaciousness where views between buildings are maintained and there is space for substantial landscaping. Road reserves tend to be wide but consistent street tree planting is generally absent. Refer to the Site and Context Description for further details. There is a residential character study for Kyneton however this covers the standard residential areas and does not apply to the site or other low density residential areas.

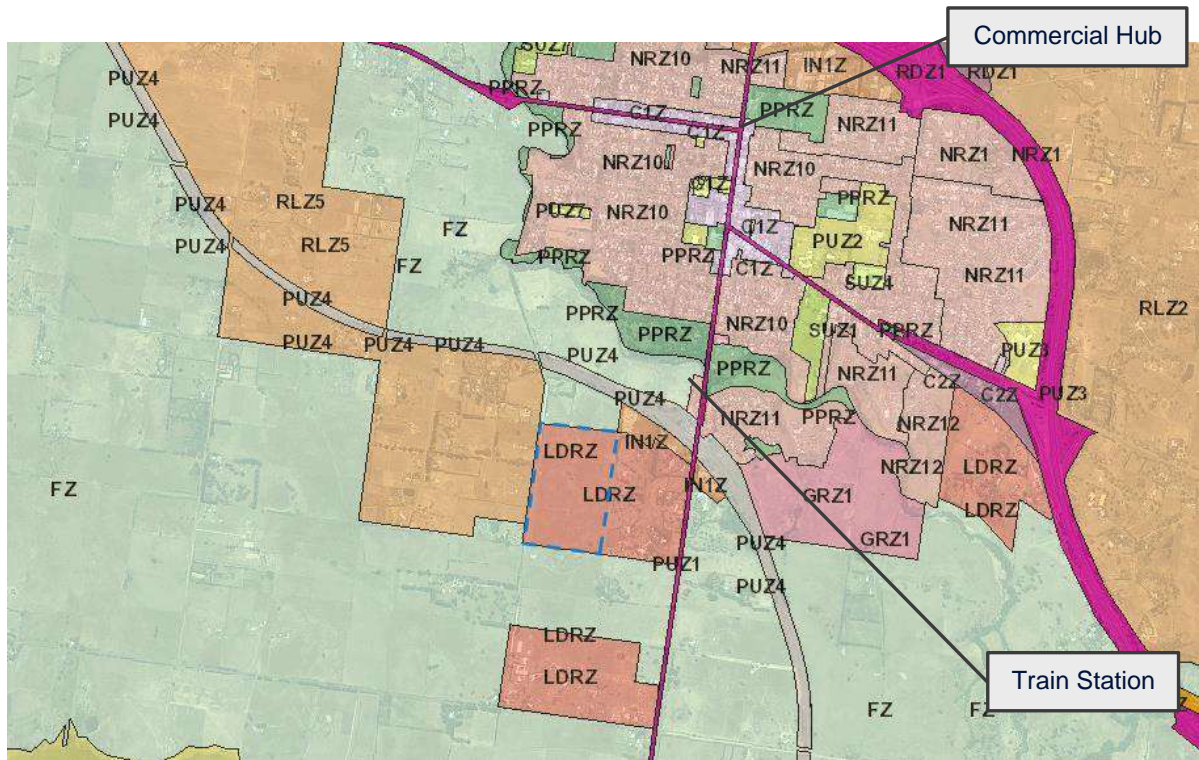


Figure 2: Surrounding Land Zoning (source: Vicplan)

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Photograph 8: Kyneton township offers a country appeal (source: googlemaps)



Photograph 9: Rural living development west of the site



Photograph 10: Low density development south of the site

An analysis of the site has been undertaken and identified the following site opportunities and constraints:

Opportunities

- To provide a master planned development that makes efficient use of zoned land that can be fully serviced with reticulated infrastructure;
- To provide lifestyle lots only 1km from Kyneton train station and 2.3km from the town centre;
- To retain remnant trees to create character and identity;
- To provide road links to the north and south.

Constraints

- The topography and drainage requirements to achieve best practice design;
- The location of remnant trees;
- Minimum lot size (2,000sqm);
- Easement and electrical lines along south boundary.

The proposal has been designed to respond accordingly to the site opportunities and constraints identified.

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4 CULTURAL HERITAGE SENSITIVITY

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The land is not contained within an area of identified Aboriginal Cultural Heritage Sensitivity, see Figure 3 below. Clarkeology have been engaged to provide an assessment in relation to any matters arising from Aboriginal heritage legislation in relation to the proposed subdivision and the summary of their findings are:

There are no impediments from Aboriginal heritage legislation to planning approvals being granted in relation to the proposed multi-lot subdivision. In particular, there is no requirement under the Aboriginal Heritage Regulations 2018 for a cultural heritage management plan to be prepared for the proposed activity.



Figure 3: Areas of Cultural Heritage Sensitivity (source: ACHRIS)

Given the particular site conditions, the surrounding neighbourhood character and the applicable planning controls, it was considered appropriate to subdivide the land into low density residential lots and create an area of public open space. The following sections provide a description of each element of the proposal.

5.1 SUBDIVISION LAYOUT

The subdivision proposes 87 residential allotments at a minimum size of 2,000sqm, accessed by a series of new roads and are integrated with generous open space areas. A central reserve in excess of 1.7ha is proposed at the main entrance of the development to create an attractive approach and sense of identity. This reserve encompasses three remnant Eucalypts, caters for best practice stormwater management and provides a recreation space. A smaller reserve is proposed at the southern end of the site for drainage purposes.

All lots are well shaped to accommodate future dwellings and given the lack of site constraints, no restrictions are proposed. It is intended that the two allotments that contain remnant trees will include a restriction to ensure that the trees are protected and this can be applied via a condition of permit.

The subdivision is to be divided into three stages and the boundaries are located to ensure the efficient and cost effective installation of infrastructure.

Refer to the Proposed Subdivision Plan for further details.

5.2 ROAD LAYOUT

The lots are serviced with a new internal road layout that offers two links with Harpers Lane and each of these abuts the central reserve to provide high levels of amenity, surveillance and active spaces. These roads reserves are 14m in width to cater for a footpath on the lot side, with footpaths on the other side contained within the reserve.

Remaining road reserves are 20m in width to create rural character and a sense of spaciousness.

The road layout provides a direct link to the existing road reserve of Wattle Way to the south and a link to the north is provided to cater for possible future development in this direction.

Cardno have prepared a Traffic and Transport Assessment in relation to the proposed subdivision and conclude that Harpers Lane does not require any significant road upgrade based on anticipated traffic volumes. A rural seal across the site frontage of the site with a shared path will suffice for this road and the Functional Layout Plan shows this detail. It confirms that the internal road layout is designed in accordance with IDM requirements to provide adequately for vehicles, pedestrians and cyclists. The Functional Layout Plan shows the location of proposed roads and footpaths, with typical cross sections provided.

5.3 VEGETATION REMOVAL AND LANDSCAPING

The Preliminary Tree Assessment & Native Vegetation Assessment prepared by Ironbark Environmental Arboriculture determines that:

- *Site trees #1 – 4 have high retention values and should be considered for retention in the design response.*

- Site trees #5, 6, 7 have medium retention values and are less suitable for retention within a residential development.
- Tree #8 is a third-party owned tree, automatically giving it a high retention value.
- There is a row of Cypresses at 35– 51 Hill Drive, which have tree protection zones (TPZs) overlapping the subject site.
- The site has been used as farmland with exotic grasses dominating the understorey; no patches of native vegetation are present.
- Trees #1 – 7 are Manna Gums (*Eucalyptus viminalis*) and their removal would require a native vegetation offset.

Accordingly, Trees 1 – 5 are proposed to be retained, with 1 and 2 within private lots and 3-5 within the central open space reserve. Trees on adjacent lots are not impacted by the subdivision and will remain viable given the large lot sizes proposed.

Trees 6 and 7 will be removed to accommodate the subdivision and these will be offset accordingly. Tree 2 will also be offset as the lot on which it is retained is less than 0.4ha.



Photograph 11: Tree 1 to be retained within proposed lot 3

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Photograph 12: Tree 2 to be retained within lot 12



Photograph 13: Trees 3-5 to be retained and incorporated in an open space reserve

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Photograph 14: Trees 6 & 7 to be removed

A Landscape Master Plan has been prepared by Weir & Co to indicate the intentions for landscaping within streetscapes and open space reserves to ensure that an attractive leafy estate is created. It utilises a range of attractive deciduous trees to create hierarchy and character across the varying roads. The central open space reserve includes a vegetated wetland with path network and embellishments. Detailed landscape plans

5.4 INFRASTRUCTURE SERVICING

A Functional Layout Plan has been prepared to show the intentions for infrastructure provision.

Piped drainage will direct stormwater runoff from private lots towards the central reserve where it will be treated in the wetland system. Runoff from roads will be directed into a series of swales which too will direct to the wetlands for treatment to best practice levels.

Reticulated sewer will be provided to each lot and a pump station with rising main is intended to be located along the northern boundary of the site.

Electrical substations are proposed across the subdivision to provide underground power to each lot and the overhead electricity lines to the south will be removed. Substations have been located to the rear of lots to ensure that they are dominant features of the streetscape. The existing overhead electrical lines and associated easements along the southern boundary of the site are to be removed as part of this application.

Water, telecommunications and gas will also be provided to each lot in accordance with the requirements of the responsible authority.

6 STRATEGIC PLANNING

6.1 DRAFT FRAMEWORK PLAN – KYNETON SOUTH INVESTIGATION AREA (2017)

The Draft Kyneton South Framework Plan (2017) was prepared to assist Council in assessing the medium to long term growth potential by providing an understanding of the land use, open space and environment, servicing, transport, employment, heritage, housing and education issues that need to be considered in any future development of the area. We understand that it has been through one round of community consultation and is currently on hold, pending further work to be undertaken as part of the Kyneton Movement Network Study. Accordingly, the framework plan has no formal status and does not require consideration. This aside, we provide the following discussion:

- The subject site is contained within the township boundary and identified as a 'potential development area'. The land is clearly suited to development and the proposed subdivision accords with zone provisions;
- The western side of the site is identified as a 'potential development area (sensitive)'. Land to the west of the site is used and developed for rural living purposes and as such there is no apparent sensitive interface (ie. there are no farming activities). These properties often have screen planting along the frontage and the road reserve of Harpers Lane is some 20m in width proving appropriate separation between rural living and low density residential development. Proposed lots front Harpers Lane and will provide an attractive interface. They are 40m wide and 50m deep which enables sufficient room for dwellings to be set back from the road and for significant landscaping to the frontage. Therefore, no additional design guidelines or other planning tools are required to direct development on the subject land;
- The south-western side of the site is identified as 'potential waterway' with a 'potential stormwater treatment site'. Interactive mapping indicates a 'blue line' to the west side of the site however a site inspection and detailed feature survey shows that there is in fact no waterway present. There is no depression in the contours and the NCCMA have confirmed that this is not a designated waterway and as such no drainage or setback requirements are applicable (see attached email from Nathan Trelor). Stormwater from the development will be managed to best practice standards and a central retarding basin and wetland is provided. The report by Afflux demonstrates that overland flow can be accommodated within road reserves and as such a linear open space area is not required.
- A 'potential pedestrian/cycle trail' is indicated along the side of the 'potential waterway' and in the absence of an actual waterway this trail is not considered necessary, with footpaths to be provided in road reserves;
- A 'key potential road connection' is shown towards the east boundary of the site, which links with Blachfield Drive to the south. This alignment is not practical from a lot pattern/ownership perspective and fails to acknowledge Wattle Way. The proposed subdivision layout provides the north south link road as an extension of Wattle Way and provides a link to undeveloped land to the north.

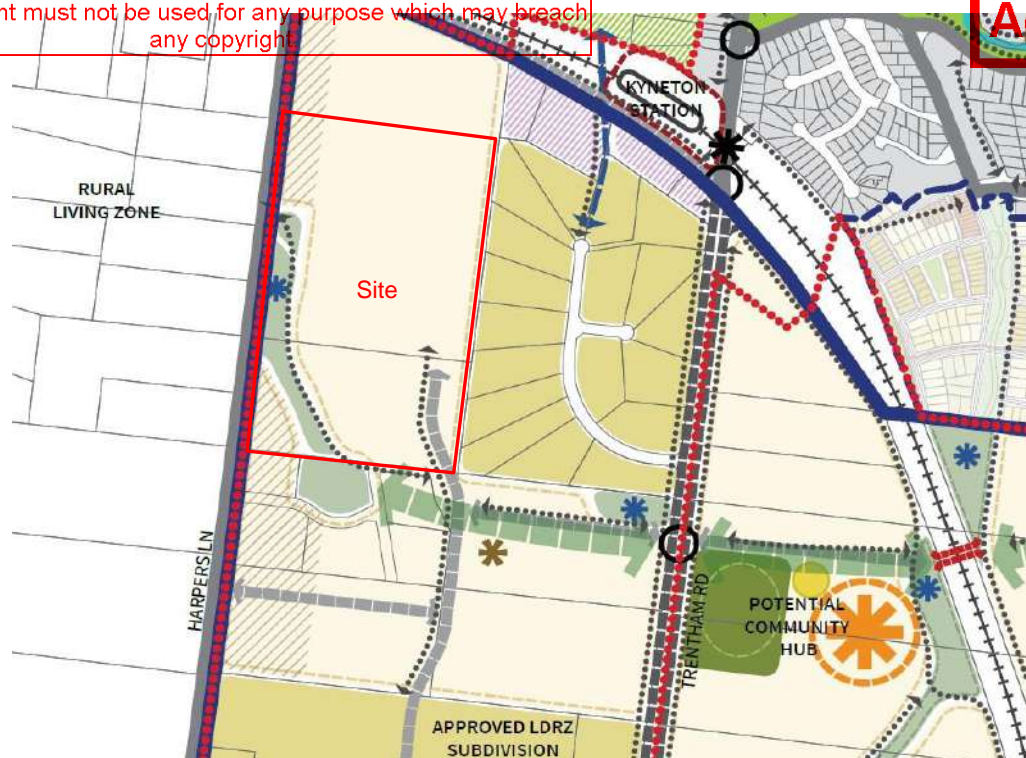


Figure 4: Kyneton South Framework Plan (source: Kyneton South Framework Plan)

The following points are outlined in relation to *Waterway + Stormwater Management + Creek Health*:

- The preparation of a *Stormwater Mitigation and Treatment Strategy* will be required to inform the detailed planning process;
- The draft framework plan has identified the significant overland flow paths that currently exist within the Investigation area as potential waterways;
- Potential stormwater treatment sites have been identified to assist with mitigating flood events and will help protect the health of natural waterways by incorporating wetlands to treat stormwater runoff;
- The waterways will also function as a passive recreation opportunity as they will incorporate shared paths to provide a linear trail network throughout the Investigation Area;

The proposed subdivision supports these objectives in that stormwater treatment and achieving best practice outcomes have been a key consideration for the urban design. The layout caters for overland flow into and out of the site by positioning roads and open space areas in response to topography. The central reserve includes a wetland and this is incorporated as a meaningful part of the open space through use of landscape features including paths.

For *Local Parks & Active Recreation*:

- The draft Framework plan has not gone to this detail but it is important that the future local open space network include active recreation space, preferably near the potential education facility.
- Local Parks must be utilised to protect existing vegetation throughout the Investigation areas for its environmental and landscape values;

The subject land is not located near the potential education facility and as such active recreation space is not warranted. The proposed reserve satisfies the intent for local parks in that it protects significant remnant vegetation and the proposed landscape treatment will improve environmental values through use of indigenous species where appropriate.

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In relation to Western Township Access the following points are made:

- A Western Township access has been explored to accommodate any transport movements trying to access the Calder Freeway heading toward Bendigo.
- It is proposed that anticipated traffic will utilise an upgraded Harpers Lane and Lauriston Reservoir Rd (refer to Figure 2 for cross section) and head north-west towards Harts Lane to eventually access the Calder Freeway.
- Harts Lane currently has an at-grade level crossing of the Bendigo-Melbourne railway.

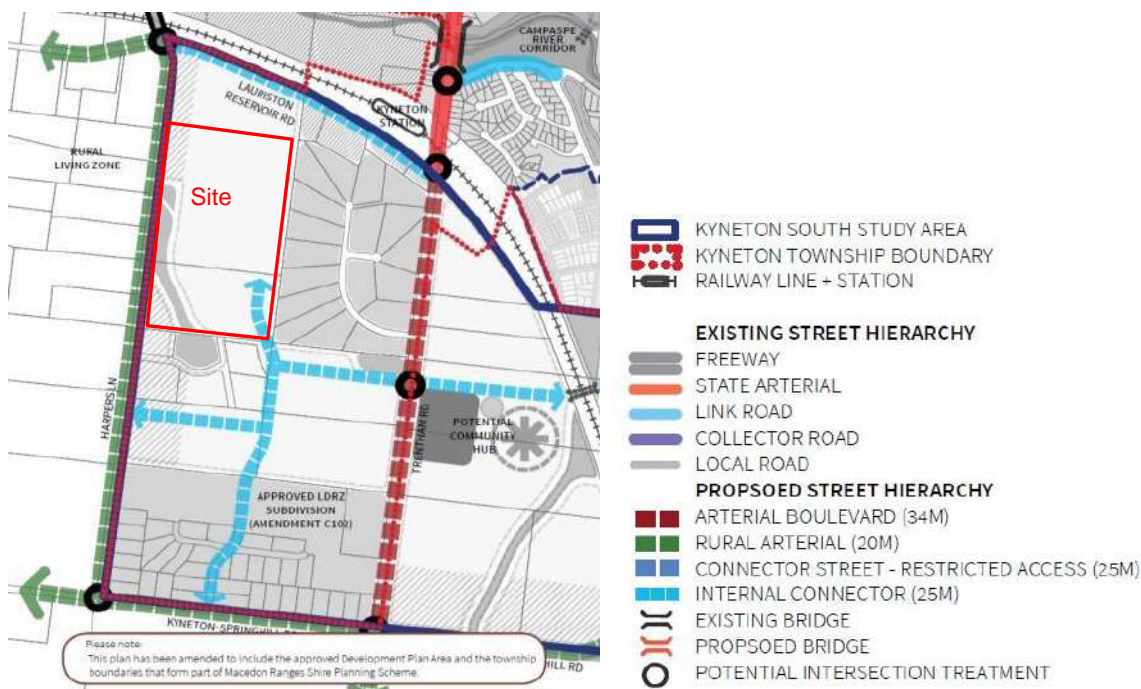


Figure 5: Transport - Potential Street Network (source: Kyneton South Framework Plan)

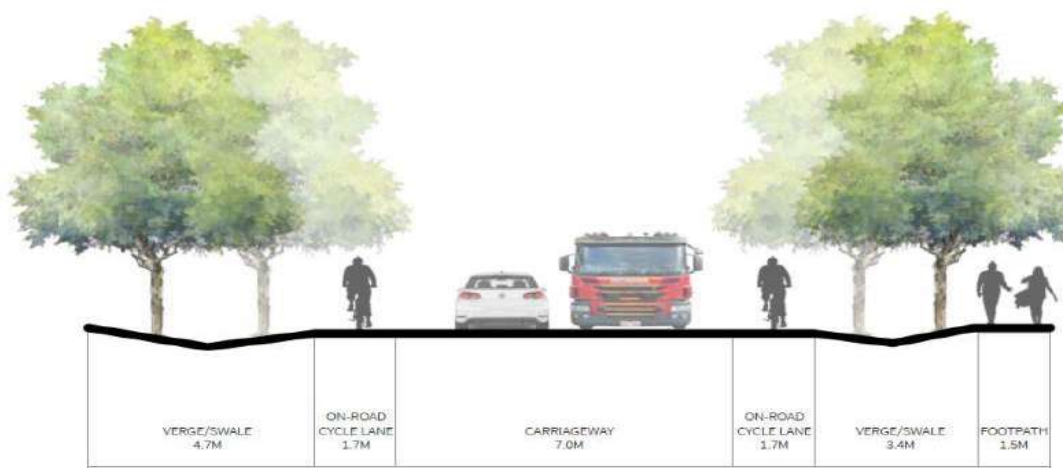


Figure 6: Potential Rural Arterial Road Cross Section (source: Kyneton South Framework Plan)

Traffic advice from Cardno is that the suggested rural arterial road for Harpers Lane and the associated cross section is excessive and not warranted. Their reports states that there is no traffic justification for this road to be upgraded to a higher standard due to the following factors:

- Development of the land bounded by Trentham Road, Lauriston Reservoir Road, Harpers Lane and Springhill Road will be low density residential and generate a yield of up to 200 lots in total only.
- Of the 200 lots, few will have direct access to Harpers Lane.

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- *All lots in this area will have access to a central Connector Street spine between Springhill Road and Lauriston Reservoir Road, which would be a more convenient route of travel compared to Harpers Lane.*
- Further connection to Trentham Road to the east will provide convenient access to Trentham Road.
- *It would be more convenient to travel to the Calder Freeway at Carsluhe (to Melbourne) via the Connector Streets to Trentham Road or Springhill Road.*
- *he proposed crossing of the Campaspe River within the new high density development will provide a convenient option to access the Calder Freeway at Kyneton to bypass the town centre.*
- *The Calder Freeway Interchange at Burton Avenue (via Harts Lane) can be accessed via the central Connector Street to either Lauriston Reservoir Road or Springhill Road.*
- *Cycling can occur on road in a lower speed environment or within footpaths along the north-south Connector Street, or a shared path at the Harpers Road frontage.*
- *Ultimately, it is anticipated that the traffic volume along Harpers Lane will be in the order of 200vpd, which is far below what could be reasonably expected for a Connector Road or Arterial.*

Any suggestion for Harpers Lane to be an informal bypass of town is not based on any need or current or future traffic movements. Nor was this a requirement of the recent subdivision further south. In lieu of on road bike lanes, the proposed cross section as lodged in current planning application provides for 2.5m off road shared path along Harpers Lane

The following is an outline of the planning policy framework relevant to the site. A comprehensive analysis of the proposal against this matrix of applicable policy is provided below.

Zoning

Clause 32.03 – Low Density Residential Zone

Overlays

Clause 42.01 – Environmental Significance Overlay – Schedule 4

Planning Policy Framework (PPF)

Clause 11 - Settlement
 Clause 12 - Environmental and Landscape Values
 Clause 13 - Environmental Risks and Amenity
 Clause 15 - Built Environment and Heritage
 Clause 16 - Housing
 Clause 21.01 – Municipal Profile
 Clause 21.02 – Key Issues and Influences
 Clause 21.03 - Vision
 Clause 21.04 - Settlement
 Clause 21.06-3 - Bushfire
 Clause 21.08-3 - Built Environment
 Clause 21.09 - Housing
 Clause 21.13 – Local Areas and Small Settlements
 Clause 22.02 - Key Issues and Influences

Particular Planning Provisions

Clause 52.17 – Native Vegetation
 Clause 53.01 – Public Open Space Contribution and Subdivision
 Clause 56 – Residential Subdivision

7.1 PERMIT TRIGGERS

Planning Control	Permit Trigger
Clause 32.08 – Low Density Residential Zone	Subdivision
Clause 42.01 – Environmental Significance Overlay – Schedule 4	Subdivision, removal of vegetation
Clause 52.17 – Native Vegetation	Removal of vegetation

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7.2 ZONING

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Pursuant to the Macedon Ranges Planning Scheme, the property is contained within the Low Density Residential Zone (LDRZ), which seeks:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Pursuant to Clause 32.03-3 a permit is required to subdivide land and each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

The schedule to the zone specifies the following requirements:

Minimum subdivision area (hectares).	Gisborne Rise Estate, Gisborne (all land subject to Schedule 9 of the Design and Development Overlay)	0.6 hectares
	All land in the Low Density Residential Zone between Saunders Road and Kilmore Road, New Gisborne	0.6 hectares
	Land in the Low Density Residential Zone to the south of Honeysuckle Lane and north-east of the Avenue of Honour in Woodend	0.4 hectares

None of these apply to the subject land and as such the default areas are applicable.

Pursuant to Clause 32.03-5 the following application requirement apply to subdivision:

- An application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis.
- The report must:
 - In the absence of reticulated sewerage, include a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
 - Show for each lot:
 - A building envelope and driveway to the envelope.
 - Existing vegetation.
 - In the absence of reticulated sewerage, an effluent disposal area.
 - Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.
 - If a staged subdivision, show how the balance of the land may be subdivided.

The decision guidelines include the following matters:

General

- Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate the Municipal Planning Strategy and the Planning Policy Framework

- *The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.*
- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications. In the absence of reticulated sewerage:*
 - *The capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
 - *The benefits of restricting the size of lots to the minimum required to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria). – The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.*
- *The relevant standards of Clauses 56.07-1 to 56.07-4.*

Response: Low Density Residential Zone

The proposed subdivision wholly accords with the intent of the zone in that it provides for low density housing and given that reticulated sewer can be extended to service all lots, a minimum lot size of 2,000sqm applies (as the schedule doesn't state otherwise).

A Site & Context Description has been prepared to document site and surrounding conditions and together with this report seeks to satisfy the site analysis and design response application requirements.

A LCA is not required given that sewer will be connected to each lot and given the lack of constraints it is not considered necessary to burden the lots with building envelopes.

The subdivision layout response to existing/likely use of adjacent land as follows:

- Proposed lots back onto existing low density residential allotments to the east;
- A road link is provided to Wattle Way to the south and proposed lots have side or rear boundaries interfacing with existing undeveloped lots in this direction;
- Proposed lots front Harpers Lane to provide an active interface;
- A road link is provided to the north to cater for future development of the adjacent vacant land.

The proposal meets the decision guidelines in that other applicable planning policies are met and the urban design layout protects and enhances character and environment values. Significant trees are protected and the proposed landscape treatment will provide improved environmental values through revegetation of water sensitive urban design features. All utility services are available in the location and will be extended to service the proposed lots to the satisfaction of each relevant authority.

7.3 OVERLAYS

The only overlay applicable to the land is the *Environmental Significance Overlay- Schedule 4 (ESO4)* which identifies the Eppalock Proclaimed Catchment, which seeks:

- *To ensure the protection and maintenance of water quality and water yield within the Eppalock Water Supply Catchment Area as listed under Section 5 of the Catchment and Land Protection Act 1994.*

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Pursuant to Clause 42.01-2 a permit is required to subdivide land and remove vegetation unless the schedule specifically states otherwise. Schedule 4 does not provide any exemptions.

Before deciding on an application, the responsible authority must consider, as appropriate:

- *Whether the proposed development provides a net benefit to the stability and health of the waterway.*
- *The impact of the development on the water catchment.*
- *The need to protect vegetation and habitat and the role these attributes play in improving and assisting in the maintenance of water quality. In particular, the need to maintain and revegetate land within 30 metres of a watercourse.*
- *The need to retain vegetation which prevents or limits adverse effects on ground water recharge.*
- *The need to address any existing land degradation and prevent further land degradation as a result of the proposal.*
- *Whether any proposed effluent and irrigation fields are within 100 metres of any watercourse.*
- *How any proposed septic tank or other form of waste water treatment may impact the quality of water in the catchment. This should include demonstration that the proposed density of septic tanks in the area:*
 - Will not overload the natural environment with effluent and lead to pollution of watercourses or other properties;*
 - That the design and location of septic tanks is appropriate to the site and environmental characteristics of the allotment.*
 - That the disposal of effluent will not result in the discharge of waste water from the site.*
- *The need to include litter traps and artificial wetlands in development proposals to improve the quality of discharge from new developments prior to discharge to water courses and to minimise the amount of sediment and litter entering waterways from new development.*
- *Any relevant land capability study or relevant Catchment and River Health Strategy for the area.*
- *Any approved local land care policies and plans.*

Response: Environmental Significance Overlay:

Reticulated sewer will be connected to all proposed lots and as such there will be no septic tanks that may have potential to cause detriment to the water storage area. Stormwater will be managed to best practice levels and as such there will be an overall net benefit to health of the water catchment. As noted above, the 'blue line' mapped on site is not physically present on site and the NCCMA have confirmed that it is not a designated waterway (see attached email). As such there is no requirement for a water quality/revegetation buffer. Instead, the water sensitive urban design features in the central reserve will treat and retain stormwater, with new landscaping providing for improvement environmental qualities.

7.4 PLANNING POLICY FRAMEWORK

The Planning Policy Framework (PPF) seeks to ensure that:

The objectives of Planning in Victoria are fostered through appropriate land use and development planning policies and practices which investigate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

The PPF is structured around a series of themes and those relevant to this application are discussed below:

SETTLEMENT (CLAUSE 11)

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is also to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

Clause 11.01-1S Settlement seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. Strategies include:

- *Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.*
- *Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.*
- *Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.*
- *Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.*
- *Create and reinforce settlement boundaries.*
- *Provide for growth in population and development of facilities and services across a regional or sub-regional network.*
- *Limit urban sprawl and direct growth into existing settlements.*
- *Promote and capitalise on opportunities for urban renewal and infill redevelopment.*
- *Ensure land that may be required for future urban expansion is not compromised.*

Clause 11.02-1S Supply of Urban Land seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. Strategies include:

- *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*
- *Ensure that sufficient land is available to meet forecast demand.*
- *Planning for urban growth should consider:*
 - *Neighbourhood character and landscape considerations.*
 - *The limits of land capability and natural hazards and environmental quality.*
 - *Service limitations and the costs of providing infrastructure.*

- *Restrict rural residential development that would compromise future development at higher densities.*

The Municipal Profile (Clause 21.01) for Macedon Ranges acknowledges that Urban growth over the past decade has been the greatest in the south of the Shire (in Gisborne, Romsey and Riddells Creek) with more modest growth occurring in Woodend, Kyneton, Malmsbury, Lancefield, Macedon and Mount Macedon. Gisborne and Kyneton continue to be the major population and employment centres within the municipality.

Key Issues and Influences (Clause 21.02) includes the following matter for settlement:

- *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 corridor towns of Gisborne and Kyneton will continue to be the major population and employment centres within the municipality. Approximately 37% of the population resides within these towns and this is expected to increase to 42% by 2036.*

The Vision (Clause 21.03) for Macedon Ranges identifies Kyneton as a Large District Town (LDT), which is defined as:

A town with a substantial and diverse population base (6,000 to 10,000) and a dominant business district with a moderate employment base. All essential services are provided. Access to services such as police stations, medical/hospital facilities and a range of education facilities is generally high. A variety of accommodation types and sizes are available.

Settlement (Clause 21.04) states that:

The Shire is planning for the population to reach 56,000 by 2036 (an increase of 16,000 residents) which is less than the Victoria in Future (2012) population projection of 61,000. In 2011, the Shire had sufficient zoned land to accommodate the VIF 2012 projected population for at least the next 15 years if 85 per cent of the existing zoned land is developed.

And

Levels of development will be consistent with the role of towns in the settlement hierarchy and will depend on infrastructure provision and environmental constraints. The vast majority of growth will be within the larger towns and will occur on zoned land within existing town boundaries, with the exception being land identified through structure planning processes.

Objective 1 seeks to deliver the settlement hierarchy vision 2014 to 2036 and Strategy 1.2 encourages development of Kyneton as a large district town. Strategy 1.6 seeks to:

- *Ensure development is consistent with the capacity of settlements to grow and plan for growth on the following basis:*
 - *Focus development on and consolidate the roles of the key towns of Gisborne and Kyneton which have the highest levels of infrastructure, services and employment.*

Objective 2 seeks to provide for development which maximises the benefits of established and proposed urban infrastructure and the strategies are as follows:

- *Strategy 2.1 Provide for township development in line with the settlement hierarchy vision.*
- *Strategy 2.2 Ensure urban development is located:*
 - *Within the township boundaries identified on plans in Clause 21.13.*

Objective 3 seeks to ensure land use and development in settlements have regard for environmental assets, hazards and constraints.

An application to develop or subdivide land must be accompanied by a report to demonstrate how the proposal provides for a high quality lot layout, diversity, respects the existing built environment and heritage, and the protection and enhancement of environmental features and natural resources.

Local Areas and Small Settlements (Clause 21.13) includes Clause 21.13-2 Kyneton which identifies elements that define Kyneton's character as follows:

- *Compact, grid based town centre with significant retail and tourism functions.*
- *Significant heritage buildings, bluestone gutters, streetscapes and precincts including Piper Street and the Botanical Gardens.*
- *Mature exotic trees in street plantings and private gardens within older precincts.*
- *Attractive setting provided by the Campaspe River.*
- *Diversity of residential neighbourhood character precincts which reflect different eras of development.*

Key issues identified for Kyneton include:

- *The changing demographics within Kyneton which requires a greater diversity of housing options.*
- *Managing the constraints on development not connected to reticulated sewerage services within the Eppalock Special Water Supply Catchment.*

Relevant objectives and strategies are as follows:

Objective 1:

To provide for managed growth of Kyneton by prioritising growth within the identified town boundary and managing staged greenfield growth to the south and southeast of town.

Strategies:

- 1.1 *Support a grid-based layout and require substantial street tree planting in new residential subdivisions.*
- 1.4 *Support infill development within existing residential zoned land consistent with the identified neighbourhood character objectives for each residential neighbourhood character precinct shown in the Kyneton Neighbourhood Character Precinct Map.*
- 1.5 *Plan for future greenfield growth to maintain a 15 year residential land supply by investigating areas south of the township, focusing initially on the southeast (east of the railway line and towards the Campaspe River). This area presents an opportunity for contemporary development of more diverse housing to cater for the town's changing demographics, incorporating active transport principles and open spaces including the river corridor*

Objective 2:

To protect and enhance the landscape character, waterways and network of open space corridors in Kyneton.

The strategies relate to the Campaspe River and are not relevant to the site.

Objective 3:

To increase the range of housing options available to cater for the longer term needs of all members of the Kyneton community.

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Strategies:

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3.2 Support the provision of a diversity of lot sizes and housing types in the Kyneton South growth area.

The subject land is not contained within the Kyneton Neighbourhood Character Precincts, simply being identified as a *Low Density Residential Area*. The land is contained within the Township Boundary on the Kyneton Strategic Framework Map, see Figure 7 below.

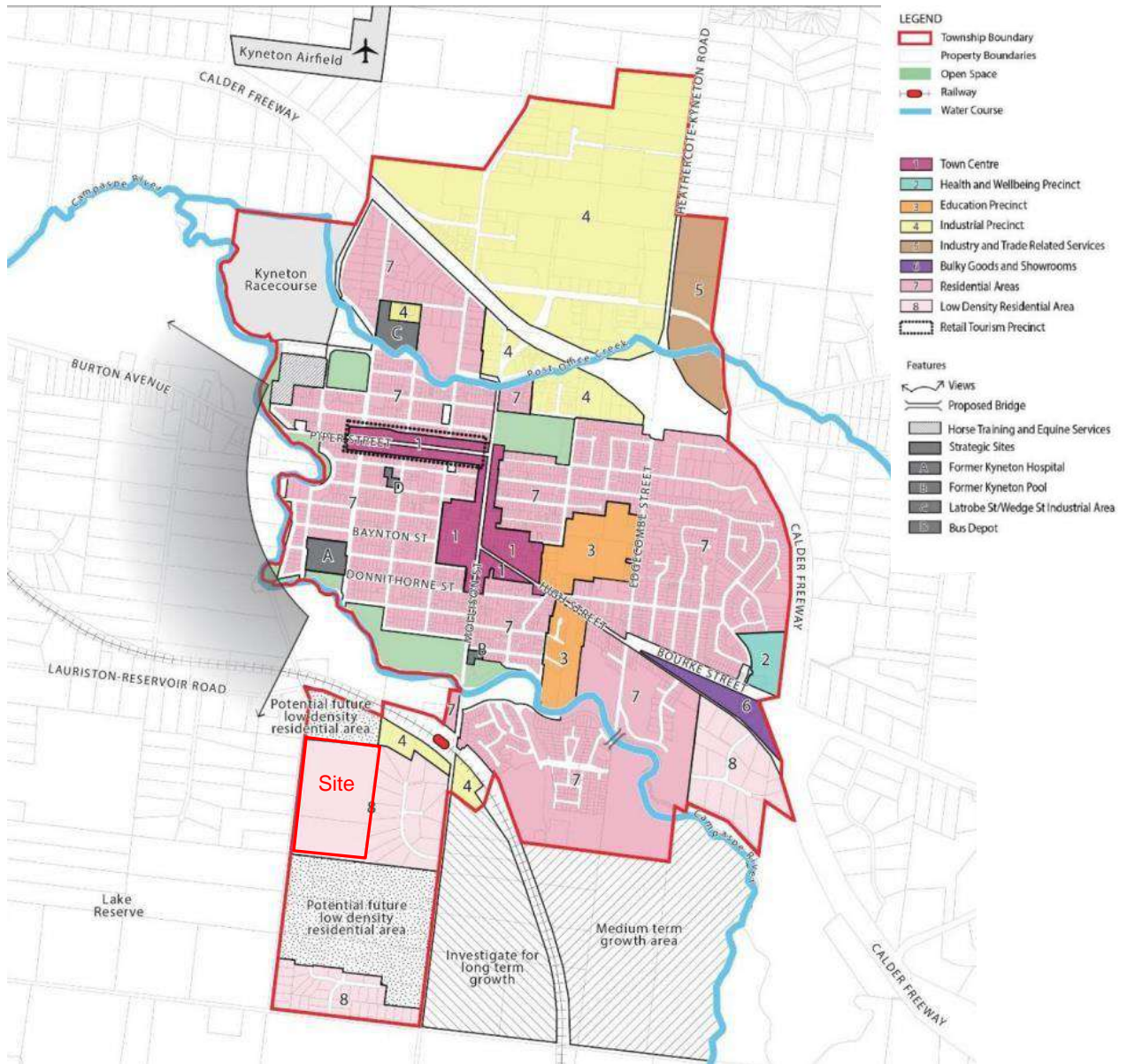


Figure 7: Kyneton Strategic Framework Map (source: Macedon Planning Scheme)

Response Settlement:

The proposed subdivision fully supports overarching policies for settlement in that it utilises existing zoned land that can be fully serviced with reticulated infrastructure for new residential development. It contributes to a reduced need for urban sprawl and supports the diversification of the existing community and the sustainable development of regional centres. Development of this land will aid in accommodating the forecast population growth for Kyneton.

The land is only 2.3km away from central business hub of Kyneton, which is a modest sized town that offers a range of local services to suit resident's needs. It is located within the township boundary identified on the Strategic Framework Plan and the urban design layout supports reinforcement of settlement boundaries whilst ensuring opportunities for future urban expansion are not compromised.

The proposed subdivision layout is high quality with provision of appropriately shaped and sized lots, accessed by a well-designed road network and incorporated with public open space. It protects and enhances environmental features to create a neighbourhood with character and identity that will provide a positive contribution to the existing low density residential areas.

The only natural hazard is bushfire risk and all lots can easily achieve BAL-12.5 construction as detailed in the Bushfire Assessment.

ENVIRONMENTAL AND LANDSCAPE VALUES (CLAUSE 12)

Planning should help 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.

The Municipal Profile (Clause 21.01) for Macedon Ranges acknowledges that the Shire is renowned for its rural character, semi-rural lifestyle, landscapes and forests, and unique natural features such as Hanging Rock and Mount Macedon. Environment and Landscape Values (21.05) states that some of the most serious threats facing the Shire's biodiversity are poorly planned urban and rural residential developments. The objectives and strategies for Biodiversity and Native Vegetation Management (21.05-1) relevant to the proposal are as follows:

Objective 1:

To conserve the biodiversity values of the Shire by protecting, enhancing, managing and restoring indigenous vegetation and fauna habitat.

Strategies:

1.1 *Avoid the removal of remnant vegetation with high ecological values.*

1.2 *Maintain biodiversity through the protection of remnant vegetation by diligently applying the Permitted clearing of native vegetation – Biodiversity assessment guidelines to the removal of all native vegetation on public and private land.*

1.3 *Ensure applications for permits demonstrate existing native vegetation will not be compromised.*

The objectives and strategies for Significant Environments and Landscapes (21.05-2) relevant to the proposal are as follows:

Objective 1:

To maintain and enhance the existing rural landscapes.

Strategies:

- 1.1 *Ensure development and works complement the Shire's rural landscape character.*
- 1.2 *Protect the landscape, environmental and scenic qualities of the Macedon Ranges.*
- 1.3 *Encourage sensitive subdivisions designs with use of larger lots and building envelopes to minimise landscape and environmental impacts for land supporting areas of vegetation or adjacent to waterways or the Calder Freeway.*

Objective 7:

To preserve significant exotic and native vegetation as a fundamental component of the Shire's character and landscape.

Strategies:

- 7.1 *Encourage the retention and enhancement of all remnant vegetation and exotic vegetation which contributes to the landscape quality or character of the area.*

Response Environmental and Landscape Values:

The land has a long history of farming and as such contains limited environmental qualities. The proposal incorporates the remnant trees that are assessed as being suitable for retention within a residential setting and as such responds accordingly to environmental significance. The landscape values of the area are respected through provision of generous lot sizes and wide road reserves that can cater for meaningful landscaping. The open space reserves will be landscaped to create attractive and useable spaces and these will improve habitat opportunities and create high levels of amenity.

ENVIRONMENTAL RISKS AND AMENITY (CLAUSE 13)

Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Clause 13.02-1S Bushfire Planning seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. In a Bushfire Prone Area (BPA), bushfire risk should be considered when assessing planning applications for subdivision of more than ten lots.

The Macedon Ranges policy for Key Issues and Influences (Clause 21.02) includes the following in relation to Environmental Risk (21.02-3):

- *Inappropriate subdivision and development of rural land, particularly native vegetation removal and development for rural living purposes, is the major cause of fragmentation and loss of landscape values.*
- *Much of the Shire is at risk from wildfire and has a history of severe bushfires. Land use and development planning in the Shire must minimise the level of fire risk and level of development in areas of fire risk, and recognise the potential conflict between protecting the natural environment and providing for appropriate fire protection measures.*

- To prioritise fire risk in planning decisions, avoid increasing bushfire risk and minimise exposure of people to bushfire risk.
- 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.

Response Environmental Risks and Amenity:

The land is not covered by the Bushfire Management Overlay and as such does not have a severe bushfire risk. It is however contained within a Bushfire Prone Area (BPA), which essentially applies to all non-urban areas across the State. Accordingly, a Bushfire Assessment (Millar Merrigan) has been prepared to address the specific matters of Clause 13.02. It provides the following conclusion:

Integrated Decision Making (71.02-3) requires planning and responsible authorities to prioritise the protection of human life over all other policy considerations in bushfire affected areas. Bushfire Planning (Clause 13.02) outlines the objective to be achieved and this seeks to strengthen the resilience of settlements and communities to bushfire risk based planning that priorities protection of human life.

The landscape risk is not extreme and credible shelter options are available in close proximity to the land and provide for an important feature in the aim to protect life.

The site assessment demonstrates that the proposed residential lots can achieve BAL-12.5 construction in accordance with Clause 13.02 and the Building Act, 1993.

There are no known significant biodiversity constraints that will prohibit bushfire protection measures being achieved.

Development of this land prioritises protection of human life over all other policy considerations and there are no bushfire protection measures to be applied given the AS3959 provides an appropriate means of implementing construction standards.

BUILT ENVIRONMENT AND HERITAGE (CLAUSE 15)

Clause 15.01-1S Urban Design seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. Strategies include:

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm

Clause 15.01-3S Subdivision Design seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. Subdivision should be designed to create liveable and sustainable communities by:

- *Creating compact neighbourhoods that have walkable distances between activities.*
- *Creating urban places with a strong sense of place that are functional, safe and attractive*
- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- *Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.*

Clause 15.01-4S Healthy Neighbourhoods seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing. Neighbourhoods should provide:

- *Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.*
- *Streets with direct, safe and convenient access to destinations.*
- *Conveniently located public spaces for active recreation and leisure.*
- *Accessibly located public transport stops.*
- *Amenities and protection to support physical activity in all weather conditions.*

Clause 15.01-5S Neighbourhood Character seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place. Strategies are to:

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

Clause 15.02-1S Energy and Resource Efficiency seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

The Municipal Profile (Clause 21.01) for Macedon acknowledges that the character and heritage of the local townships is renowned and that the high quality country lifestyle and towns with their own distinctive character are key attributes.

Key Issues and Influences (Clause 21.02) includes the following matter for Built Environment and Heritage (21.02-4):

- *Consideration of the relationship between infrastructure provision and development needs.*
- *Significant and highly valued characteristics of each township area. The Macedon Ranges policy for Built Environment (Clause 21.08-3) seeks:*
- *To promote development that respects the rural character and high landscape values of the municipality.*
- *To protect and enhance the existing character and form of the Shire's towns.*
- *To ensure development and built form occurs in a sustainable manner.*

Strategies include:

- *Encourage new extensions to residential areas to reflect existing street patterns and subdivision layouts and to harmonise with the surrounding environment.*
- *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.*

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- *Encourage energy efficient subdivisions and buildings*
- *Ensure subdivisions and development add to the walkability and accessibility of townships*
- *Ensure development does not exacerbate stormwater capacity issues.*

Response Built Environment and Heritage:

The proposed subdivision layout offers high quality urban design that will ensure the development offers a safe and attractive environment for residents. The large lots, central open space reserve and wide streetscape will create a spacious rural subdivision with character and identity. Lots have access to a pedestrian circulation network and a safe attractive interface with open space areas is provided. The land is within walking distance to the train station and provides lifestyle size allotments to provide diversity in the township. It responds appropriately to the surrounding subdivision pattern and incorporates mature trees which will create an established sense of character.

The proposal considers sustainability through orientation of lots, provision of a walkable neighbourhood and treatment of stormwater to best practice levels. Retention of trees and provision of expansive landscaping also support sustainability.

HOUSING (CLAUSE 16)

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure. It should also ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space. Planning for housing should include the provision of land for affordable housing.

Clause 16.01-1S Integrated Housing seeks to promote a housing market that meets community needs. Strategies include:

- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
- *Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.*
- *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*

Clause 16.01-2S Location of Residential Development seeks to locate new housing in designated locations that offer good access to jobs, services and transport. Strategies include:

- *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.*
- *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- *Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.*

Clause 16.01-3S Housing Diversity seeks to provide for a range of housing types to meet diverse needs. Strategies include:

- *Ensure housing stock matches changing demand by widening housing choice.*

Clause 16.01-4S Housing Affordability seeks to deliver more affordable housing closer to jobs, transport and services by ensuring that land supply continues to be sufficient to meet demand.

The Municipal Profile (Clause 21.01) for Macedon acknowledges that the Shire has little diversity in housing stock, with ninety-five per cent of dwellings detached houses, yet 54 per cent of households have just one or two persons (ABS Census 2011).

Key Issues and Influences (Clause 21.02) includes the following matter for Housing (21.02-5):

- Requirement for enhanced housing diversity, affordability and proximity to town centres.
- Respect for landscape values, such that housing is submissive to the environment
- Sustainable development encompassing water and energy use minimisation, as well as proximity to existing infrastructure and services.

The Macedon Ranges policy for Housing (Clause 21.09) states that there is an increasing demand for smaller households however some of the towns are attracting young families who are seeking traditional housing, which is more affordable in Macedon Ranges compared to similar housing elsewhere.

The objectives for Housing in Towns (21.09-1) are:

- To provide for responsive and affordable housing and a diversity of lot sizes and styles to meet the requirements of all age groups, household types, lifestyles and preference.
- To ensure housing development is considerate of its environment and local servicing capacities.
- To encourage housing development to be environmentally sustainable.

Strategies include:

- Encourage a diversity of housing in appropriate locations.
- Promote a range of housing options to improve housing affordability in the larger towns, with a particular focus on Kyneton.
- Encourage the provision of a range of lot sizes in plans for new development.
- Encourage low density residential development at locations that will not prejudice opportunities for future serviced residential expansion.
- Encourage all future residential growth to occur within township boundaries where there is adequate infrastructure available or can be made available.
- Ensure housing in sensitive areas respects its context and the preferred character of the area.
- Ensure the planning density and design of new residential development recognises the environmental and infrastructure constraints.
- Promote the development of housing with a high degree of environmental sustainability.
- Encourage development to be designed to maximise solar access and energy efficiency and minimise water consumption.

Response Housing:

The subdivision fully supports overarching policies for housing in that it provides for diversity within the township and lot sizes accord with zone provisions. The land is identified as a Low Density Residential Area on the Kyneton Strategic Framework Map and the land can be cost effectively serviced by infrastructure, it is therefore considered appropriate for development.

7.5 PARTICULAR PROVISIONS

The following Particular Provisions are considered relevant to the proposed development:

NATIVE VEGETATION (CLAUSE 52.17)

This Clause seeks:

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*
 1. *Avoid the removal, destruction or lopping of native vegetation.*
 2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
 3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
- *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

Pursuant to Clause 52.17-1 a permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines.

Response Native Vegetation:

A Tree Assessment and Native Vegetation Assessment has been prepared by Ironbark Environmental Arboriculture to assess trees, provide a risk assessment and a native vegetation assessment. The avoid, minimise and offset principles are met and the following discussion is provided:

- **Tree #1 is within Lot 3, which is 4,001 m² in area; tree #1 will continue to be protected under Clause 52.17 Native Vegetation after subdivision.**
- **Tree #2 is within Lot 12, which is 2,788 m² and pursuant to Clause 52.17 Native Vegetation is considered as a consequential loss. There is however sufficient room on Lot 12 to construct a dwelling without adversely impacting tree #2.**
- **Trees #3, 4 and 5 are proposed for retention within a reserve of 1,7250 m² and will continue to be protected under Clause 52.17 Native Vegetation. The proposed new internal/access road is outside the TPZs of trees #3 and 4 and requires a minor encroachment into the TPZ of tree #5. These trees will remain viable if isolated from machinery with tree protection fencing during the construction of internal/access roads.**
- **Trees # 6 & 7 are to be removed and are therefore lost pursuant to Clause 52.17.**

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A Native Vegetation Removal Report forms part of the assessment and details the following offset requirements, which will be secured as a condition of permit:

Offset type	General offset	A general offset is required when the removal of native vegetation does not have a significant impact on any habitat for rare or threatened species. All proposals in the Basic and Intermediate assessment pathways will only require a general offset.
Offset multiplier	1.5	This multiplier is used to address the risk that the predicted outcomes for gain will not be achieved, and therefore will not adequately compensate the biodiversity loss from the removal of native vegetation.
Offset amount (general habitat units)	0.077	The general habitat units are the amount of offset that must be secured if the application is approved. This offset requirement will be a condition to any permit or approval for the removal of native vegetation. General habitat units required = general habitat score x 1.5
Minimum strategic biodiversity value score	0.326	The offset site must have a strategic biodiversity value score of at least 80 per cent of the strategic biodiversity value score of the native vegetation to be removed. This is to ensure offsets are located in areas with a strategic biodiversity value that is comparable to the native vegetation to be removed.
Vicinity	North Central CMA or Macedon Ranges Shire Council	The offset site must be located within the same Catchment Management Authority boundary or municipal district as the native vegetation to be removed.
Large trees	3 large tree (s)	The offset site must protect at least one large tree for every large tree removed. A large tree is a native canopy tree with a Diameter at Breast Height greater than or equal to the large tree benchmark for the local Ecological Vegetation Class. A large tree can be either a large scattered tree or a large patch tree.

Public Open Space Contribution and Subdivision (Clause 53.01)

A person who proposes to subdivide land must make a contribution to the Council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

The Schedule contained within the Macedon Shire planning scheme states that 5% open space payment is applicable.

Response – Public Open Space Contribution and Subdivision:

The Certificate of Title indicates that a public open space requirement under Section 18 of the Subdivision Act 1988 has not been made and as such Council are entitled to public open space contribution. In accordance with the Act, this may be provided as physical public open space, a cash contribution, or a combination of both, not exceeding 5% of the land.

The proposed subdivision includes a central reserve of 1.725ha and a small reserve along the southern boundary of 1330sqm.

The smaller reserve is for drainage purposes and 0.94ha of the large reserve is beneath the 1 in 100 year flood extent and as such these areas are considered to be encumbered. They will however form a complimentary part of the open space areas through the use of water sensitive urban design and landscaping.

The unencumbered open space provision is therefore reduced to 0.785ha which equates to 3.29% of the site area. It is considered appropriate to make up the shortfall in percentage as a cash payment given that the large half acre lots have ample private open space, the relatively low lot yield for the large site area is unlikely to drive large patronage to public open space (due to low density zone) and the encumbered open space operating as the wetlands although not formally credited as POS makes an aesthetic and informal contribution to this reserve.

The provisions of this clause do not apply to the proposal, however the decision guidelines of the Low Density Residential Zone require Council to consider Clauses 56.07-1 to 56.07-4. Accordingly, an assessment against each of these aspects is provided in the following table:

CLAUSE 56.07 INTEGRATED WATER MANAGEMENT

CLAUSE 56.07-1 Drinking Water Supply Objective

- To reduce the use of drinking water
- *To provide an adequate, cost-effective supply of drinking water.*

STANDARD C22:

The supply of drinking water must be:

- *Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.*
- *Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.*

Response: The lots can efficiently be serviced by reticulated water and the Functional Layout Plan shows the indicative layout. Detailed design will be to the satisfaction of the relevant authority.

CLAUSE 56.07-2 Reused and Recycled Water Objective:

- *To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.*

STANDARD C23

Reused and recycled water supply systems are to be appropriately designed.

Response: There is no reused/recycled water available in this area. Proposed lots are large enough to cater for individual rain water tanks to cater for personal water re-use.

CLAUSE 56.07-3 Waste Water Management Objective:

- *To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.*

STANDARD C24:

- *Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.*

Response: Reticulated sewer will be provided to each lot and the Functional Layout Plan shows the indicative location. Detailed design will be to the satisfaction of the relevant authority.

CLAUSE 56.07-4 Stormwater Management Objective

- *To minimise damage to properties and inconvenience to residents from stormwater.*
- *To ensure that the street operates adequately during major storm events and provides for public safety.*
- *To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.*
- *To encourage stormwater management that maximises the retention and reuse of stormwater.*
- *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*

STANDARD C25:

The stormwater management system should be designed appropriately.

Response: The Stormwater Management Strategy provides detailed consideration of all matters in relation to stormwater and the drainage system has been designed to meet best practice outcomes.

8 CLAUSE 65 - DECISION GUIDELINES

Before deciding on an application or approval of a plan, the responsible authority must consider a series of matters and these seek to ensure good decision making. In addition to consideration of applicable policies and strategies as outlined in this report, the responsible authority must make a judgement on whether a proposal presents an appropriate outcome with respect to amenity, land use conflicts, environmental aspects and the orderly planning of the wider area.

It is submitted that this proposal responds to policy requirements and specific opportunities and constraints to offer an outcome that will make a positive contribution to the municipality. There are no fundamental shortfalls in the matters to be considered and as such we consider approval of this application to be an example of good decision making.

We submit that the proposed subdivision is appropriate for the following reasons:

- The sole purpose of the Low Density Residential Zone is to provide for low-density residential development and the proposal achieves this through provision of generous lot sizes that meet specified requirements;
- The site is within the township boundary and the proposed land use is consistent with the Kyneton Strategic Framework Map and such meets overarching policies for Settlement;
- The urban design layout creates safe, useable spaces that will have identity and character in accordance with the policies for Built Environment and Heritage and Housing;
- A Traffic Impact Assessment has been prepared to demonstrate that the surrounding road network has capacity to cater for the increased population and that the internal road network is appropriate;
- The proposed lots will be connected to reticulated sewer and as such there will be no detriment caused to the Eppalock Proclaimed Catchment, therefore the Environmental Significance Overlay – Schedule 4 is met;
- Stormwater has been a key consideration in the layout and a Stormwater Management Report has been prepared to demonstrate how best practice outcomes can be achieved;
- The proposal accords with the overarching policies for Environmental and Landscape Values through retention of significant vegetation and provision of extensive new landscaping in wide road reserves and public open space areas to create a development with identity and character;
- The Tree Assessment and Native Vegetation Assessment identify that there are limited environmental qualities on site and the three step approach of avoid, minimise and offset has been employed in accordance with Native Vegetation;
- The land is contained within a Bushfire Prone Area and the requirements of Clause 13.02 Bushfire and Environmental Risks and Amenity are met as outlined in the Bushfire Assessment;
- The subdivision includes 3.29% of unencumbered open space and a cash contribution can be sought to make up the required 5%. As the drainage features will form a positive contribution to the open space reserve with WSUD and landscaping it is requested that Council take this into consideration when determining the cash contribution;
- The Draft Kyneton South Framework Plan (2017) is not referenced in the planning scheme and has not been adopted by Council and as such has no weight. This aside, the proposed subdivision does not prejudice the intent of the plan as it sees the land used for low density residential purposes, has an integrated open space area with water sensitive urban design and provides appropriate road links. Upgrading of Harpers Lane to a rural arterial road is completely unnecessary as detailed in the Traffic and Transport Assessment.

There is clear support across all policy levels for development of the land into low density residential lots and the development will provide a positive contribution to Kyneton

Millar I Merrigan