

MACEDON RANGES SHIRE COUNCIL

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**Hellier McFarland**  
Development Consultants Town Planners Land Surveyors

**Advertised**

# TOWN PLANNING REPORT

**For the Use and Development of a Childcare Centre  
(Early Learning Centre)**

**At**

**67 Simpson Street, Kyneton**



**April 2020**

**Advertised**

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## 1. Introduction

Hellier McFarland acts on behalf of Embracia Victoria Pty Ltd in relation to this planning permit application. The application seeks approval for the use and development of part of the land at 67 Simpson Street, Kyneton for the purpose of an early learning centre (ELC, classed as a childcare centre under Clause 73.03 of the Planning Scheme) with places for 120 children.

The overall 3.6 hectare site overlooking the Campaspe River was formerly used by the Kyneton District Hospital which relocated to new premises in 2005. The land is currently developed with the vacant, heritage-protected Old Kyneton Hospital and associated buildings comprising the emergency ward and mortuary building. Built in 1856, the bluestone hospital was a major healthcare centre in the Macedon Ranges area during the gold rush years, according to Heritage Victoria. Its Georgian design, Gothic buttressed chimneys and ornate Victorian cast-iron veranda are also considered architecturally important. The buildings are protected under the Macedon Ranges Planning Scheme under Heritage Overlay 220 as well as being registered on the Victorian Heritage Register (VHR H1684). It is intended that the old hospital building be sensitively repurposed as part of a wider community and aged care precinct envisaged for the site under separate application.

The ELC that is the subject of this current application, is proposed to be located in the north-east corner of the site facing Wedge Street. A masterplan is being prepared that shows the precinct eventually developed for an aged care facility and associated office and events precinct, in a spacious garden setting. The use and development of the childcare centre comprises part of the first stage of the implementation of this masterplan, noting that the masterplan does not form part of this application.

A previous planning permit issued by Council proposed to convert the historic building into luxury apartments and to develop houses on the surrounding land. This permit has now lapsed. Whilst use and development of the former hospital building does not form part of the current application, the current owners are committed to restoring this historically and socially important community facility and establishing a use for the buildings and surrounding land that complements the heritage value of the site and provides for net community benefit. The old hospital building will be restored to its former glory.

Use and development on the site is governed by the Macedon Ranges Planning Scheme. The site is within the Neighbourhood Residential Zone Schedule 1 which provides guidelines for development in the Kyneton Village East and Kyneton Village West Precincts. A planning permit is required for use of the land as a childcare centre and for buildings and works associated with a Section 2 use.

The wider site is affected by a number of overlay controls including Heritage Overlay (HO220) which only applies to an area around and including the hospital buildings and does not impact the site of the proposed early learning centre, and the Environmental Audit Overlay which, like the Heritage Overlay does not cover the land proposed to be used for the early learning centre.

Environmental Significance Overlay Schedule 4 (ESO4) covers the entire land including the early learning centre site. There is no permit trigger under this overlay for development of the site for an early learning centre and no vegetation is proposed to be removed.

Importantly, whilst they are located outside the site, trees along Wedge Road abutting the property are protected by Heritage Overlay 235 and care has been taken to ensure they are not adversely impacted by the proposed development.

Embracia Victoria and their consultant team have been working closely with Council to ensure a project that achieves the strategic objectives for this high-profile and historically important site, to ensure that the project preserves and protects a significant historic building, and contributes towards the establishment of a community health and welfare based precinct to benefit the local community.

Pre-application discussions have been held with Senior Statutory Planning Officer, Damien Hodgkins as well as strategic planning and heritage officers, who have all expressed in-principle support for development of the greater Old Kyneton Hospital site for a community focussed precinct with the childcare centre featuring as the first stage.

This report provides an assessment of the proposal against the provisions of the Macedon Ranges Planning Scheme including the Planning Policy Framework, Municipal Planning Strategy including the Municipal Strategic Statement and local planning policies, as well as all other relevant provisions of the Macedon Ranges Planning Scheme and responds to key issues relating to the site.

This report is to be read in conjunction with the following documents:

- Architectural plans prepared by Embracia Victoria dated April 2020
- Traffic Impact Assessment prepared by Traffix Group, dated April 2020
- Arboricultural Assessment and Report prepared by Tree Logic, dated January, 2020
- A Landscape Plan (to be finalised)

## 2. Site and Context Description

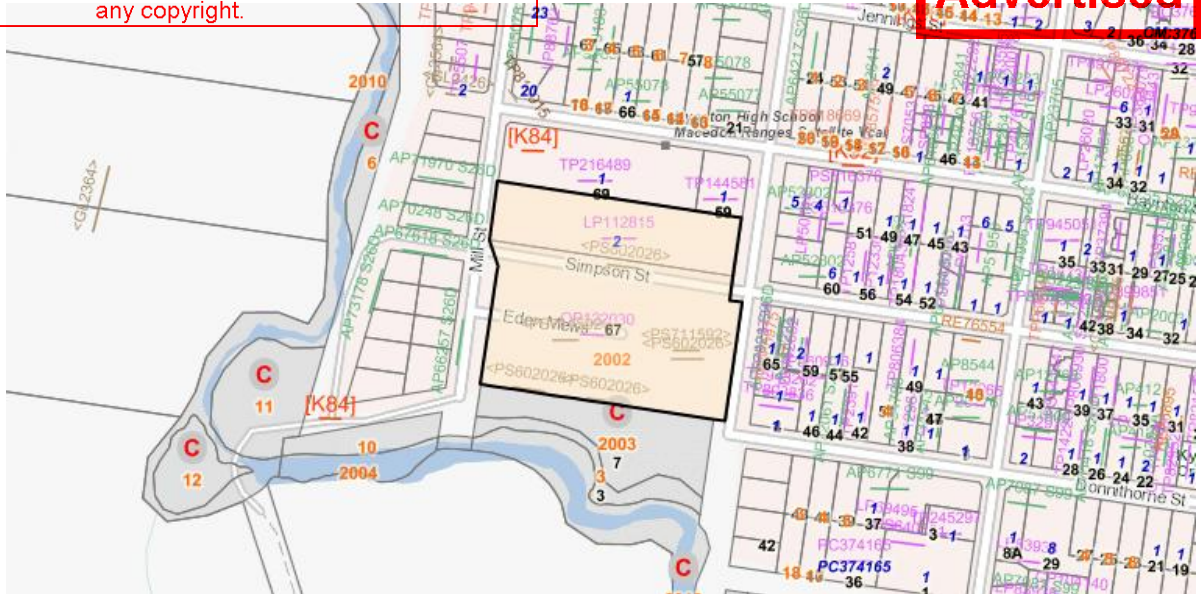
### 2.1 Parcel Details

The site is located 67 Simpson Street, Kyneton encompasses two titles, more particularly described as Lot 2 on LP112815, Volume 11637 Folio 328 and the Land in Crown Lot 2002 on TP812313, Volume 11637 Folio 329. Crown Land 2002 contains three easements for Electricity Transmission and Water Supply. There are no other easements or restrictions on the site. The overall site has an area of approximately 3.6 hectares (36,000 sqm) including part of a former road known as Simpson Street which was formerly closed at some time in the past and is now located within the title boundary for the property (and is owned by Embracia Victoria).

The proposed childcare centre site comprises a small section of the site in the north east corner, within Lot 2 on LP112815 and with frontage to Wedge Street to the east.

Full title details are included in the application package.

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Location (Lassis LandVic)



Subject Site (Near Map)

## 2.2 Subject Site

The proposed early learning centre site forms part of the Old Kyneton Hospital heritage site which encompasses a 3.6 ha parcel over two titles that stretch along the northern and southern sides of a former Road (Simpson Street) between Wedge Street to the east and Mill Street to the west. The Campaspe River environs are located to the south of the precinct. The land is approximately rectangular but somewhat irregular in shape, rising from the river flats and Mill Street to a high point towards the corner of Simpson Street and Wedge Street on which a vacant two-storey building is located, before falling to the north and north-west.

The building dates back to the 1850s and was formerly used as a hospital facility for the Kyneton District Hospital. The land also contains several single storey bluestone and brick buildings constructed at various times in the history of the site associated with the hospital.

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The balance of the site is vacant, including the parcel to the north of Simpson Street that is proposed, in part, to be developed for the early learning centre. The ELC site falls to the north-west away from Wedge Street.

The proposed ELC site contains a row of trees abutting the Simpson Street alignment. Other scattered trees are found throughout the wider precinct. All of the trees on the site as well as the heritage protected trees within the nature strip along Wedge Street, and on neighbouring properties have been assessed in the accompanying arboricultural assessment report.



Early learning centre site Wedge Street view (the street trees only the frontage are heritage protected)



Early learning centre site to the north of Simpson Street

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View of former hospital building to the south of Simpson Street



Heritage protected buildings associated with the former hospital



Old hospital site from the south-east corner of Simpson Street (unmade and with the title) and Mill Street



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## 2.3 Site Context and Surrounding Area

Kyneton is a town in the Macedon Ranges region of Victoria located approximately 90 kilometres to the north-west of Melbourne. It had a population of 6,951 at the 2016 Census. The town is served by the Calder Highway which bypasses it to the north and east and by railway from Melbourne to Bendigo. Bendigo is located 65 kilometres to the north and Ballarat is located 80 kilometres to the south-west. The subject site occupies a central location to the west of the Kyneton township commercial centre on the banks of the Campaspe River.

Immediately surrounding land is developed as follows:

### North

Land to the immediate north facing Baynton Street is occupied by Windarra, a community-based organisation providing support, life skills, training and accommodation for people with disabilities. The centre comprises a number of single storey residential and non-residential buildings, car parking areas and open space on land stretching along the southern side of Baynton Street between Wedge Street and Mill Street.



Accommodation units associated with the Windarra facility, Wedge Street view



Windarra facility from Baynton Street

The ELC site abuts the Simpson Street alignment to the south of which are located the former hospital building and associated buildings. The wider hospital precinct backs onto public open space with a pedestrian path along the banks of the Campaspe River and scenic views of the river and neighbouring rural landscape. (Mill Street view of POS below)



East

Properties along the eastern side of Wedge Road comprise single storey dwellings and a medical centre operating from a timber Victorian era house.



Dwellings along eastern side of Wedge Street immediately opposite the early learning centre site

West

Properties along the eastern side of Wedge Street comprise standard-sized residential lots with single storey dwellings generally originating from the 1960s and 1970s.



### Aboriginal Cultural Heritage

All or part of this property is an 'area of cultural heritage sensitivity'. A Cultural Heritage Management Plan is currently being prepared for the entire Old Kyneton Hospital site by Jem Archaeology.

### Bushfire Hazard

The site is located in an area that has been identified as a Bushfire Prone Area under the Building Regulations. Special bushfire construction standards apply.

## 3. Proposal

It is proposed to use and develop a site at the north- eastern corner of the wider Old Kyneton Hospital heritage precinct for a purpose built, single storey childcare centre (early learning centre) facing Wedge Street. Vehicle accessways and crossings will be provided from Wedge Street with provision will be made for 32 on-site parking spaces.

The centre will accommodate up to 120 children as follows:

- 6 – 12 months: 12 children with three educators
- 1 – 3 years: 20 children with five educators
- 2 – 3 years: 22 children with two educators
- 3 – 4 years: 22 children with two educators
- 4 – 5 years: 22 children with two educators

Total full time equivalent staff will be 24 including 16 educators. The centre will operate from 6.30am to 6.30pm Mondays to Fridays.

The building will comprise a low profile, 1-2 story, built form with offices, shared kitchen/lounge/waiting area, WC facilities, general storage, maintenance office, maintenance and

ELC storage with provision of deliveries, and pedestrian access from the car park provided at lower ground floor level to the north in accordance with the fall of the land.

The building will accommodate rooms for each age group with access to both covered and uncovered play areas to the south of the building, separate sleeping room for babies, kitchens, staff/meeting rooms, offices, library, storage, laundry, WC/change rooms, reception, waiting area, and multipurpose STEAM (Science, Technology, Engineering, Art and Math) early learning area.

The building will adopt a traditional presentation with combination hipped and gabled roof metal deck, wide verandahs, multi-plane windows and mix of face brick and render finishes.

The building will have a setback to Wedge Street of 15.7m and a setback to the northern side boundary of 12.2m. Maximum height above natural ground level is 10.5m due to the fall of the land.

Vehicle access to the centre is to be provided via two 3.6m wide crossings to Wedge Street at the site's eastern boundary. The driveways will provide separate entry and exit to the centre. A multi-point gate/security system will be installed for the carpark and building access.

Landscaping will be provided along the residential interface to the north and along the Wedge Street frontage and throughout the site.

Five trees will be removed from the site, noted as trees 25, 26, 30, 31 & 32 in the arborist report.

Tree 26 has a Low arborist rating, whilst the other four trees have been provided a Moderate B rating. The removal of these trees is appropriate and will not detract from the environmental and landscape values of the site overall.

## 4. Planning Controls

### 4.1 Planning Policy Framework (PPF)

#### CLAUSE 11 SETTLEMENT

##### Clause 11.01 Victoria

##### 11.01-1S Settlement

###### Objective:

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

###### Relevant Strategies:

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.

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 retail, office-based employment, community facilities and services are concentrated in central locations.

### Clause 11.02 Managing Growth

**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.

#### 11.03-3S Peri-urban Areas

Objective:

To manage growth in peri-urban areas to protect and enhance their identified valued attributes.

Strategies:

Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources.

Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities including in Warragul-Drouin, Bacchus Marsh, Torquay-Jan Juc, Gisborne, Kyneton, Wonthaggi, Kilmore, Broadford, Seymour and Ballan and other towns identified by Regional Growth Plans as having potential for growth.

Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.

Enhance the character, identity, attractiveness and amenity of peri-urban towns.

Prevent dispersed settlement and provide for non-urban breaks between urban areas.

Ensure development is linked to the timely and viable provision of physical and social infrastructure.

Improve connections to regional and metropolitan transport services.

#### 11.03-6S Regional and Local Places

Objective:

To facilitate integrated place-based planning.

Strategies:

Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.

Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.

## CLAUSE 13 ENVIRONMENTAL RISKS AND AMENITY

### 13.02-1S Bushfire Planning

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

Objective:

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies:

Protection of human life.

Give priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

## CLAUSE 15 BUILT ENVIRONMENT AND HERITAGE

### Clause 15.01 Built Environment

**Clause 15.0-1-1S Urban Design** seeks to create urban environments that are safe, healthy, functional and enjoyable that contribute to a sense of place and cultural identity.

**Clause 15.01-2S Building Designs** seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

### Clause 15.02 Sustainable Development

**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.

**15.03-2S Aboriginal Cultural Heritage** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Strategies:

Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.

Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.

Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.

## CLAUSE 17 ECONOMIC DEVELOPMENT

### Clause 17.01 Employment

#### Clause 17.01-1S Diversified Economy

Objective:

- To strengthen and diversify the economy.

Relevant Strategies:

- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.

## 4.2 Local Planning Policy Framework

### MUNICIPAL PLANNING STRATEGY

#### Clause 21.1 Key Issues

##### Built Environment and Heritage

The key influences include:

- Consideration of the relationship between infrastructure provision and development needs.
- Significant and highly valued characteristics of each township area.
- There are significant heritage assets and buildings within the Shire. The community aspiration is that a village atmosphere within the Shire is retained and that individual settlements maintain their distinctive identity.
- Increasing development will place added pressure on the Shires heritage buildings and streetscapes.

##### Economic Development

Relevant key influences:

- Melbourne, and to a lesser extent Bendigo, provide significant employment opportunities to residents within the Shire.
- There is a need to create local employment opportunities and reduce the reliance on commuting.

Relevant key influences:

- Open space, recreation, leisure facilities, provision of aged care and youth services and a broad variety of housing are important to improving the health and wellbeing of the community.

## **Clause 21.08 Built Environment and Heritage**

### Aboriginal Cultural Heritage

The Shire recognises Aboriginal people as the primary guardians, keepers and knowledge holders of all Aboriginal cultural heritage in Macedon Ranges Shire.

Objective 1 - To protect Aboriginal cultural heritage places and values within the Shire.

Strategies:

- Identify and protect Aboriginal cultural heritage values by working with traditional owners and other relevant parties as appropriate.
- Ensure development and land use appropriately protects and manages Aboriginal cultural heritage places and values.
- Consider Aboriginal cultural heritage in any aspect of land use planning that may impact on Aboriginal cultural heritage.

Decision Guidelines:

- When deciding on an application to use or develop land that may impact on Aboriginal cultural heritage values, the following matters will be considered, as appropriate:
- Any relevant Aboriginal cultural heritage study, the Heritage Overlay and guidelines provided by Aboriginal Affairs Victoria.
- The approved cultural heritage management plan, where appropriate.
- The views of the Registered Aboriginal Parties, where appropriate.
- The views of Aboriginal Affairs Victoria in relation to any application of land abutting or encroaching on:
  - The Mt. William Quarry which may have a detrimental effect on the significance of the site.
  - Any other Aboriginal place that may potentially be harmed by the intent of an application or consent.

### Built Environment

The high landscape qualities of the Shire and the built form of its towns must be appropriately controlled to ensure development is sustainable and respects character.

Objective 1 – To promote development that respects the rural character and high landscape values of the municipality.

Strategy:

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

Objective 2 – To protect and enhance the existing character and form of the Shire's towns.



Strategies:

- Encourage new extensions to residential areas to reflect existing street patterns and subdivision layouts and to harmonise with the surrounding environment.
- Encourage development that respects the distinctive character and defining attributes of each settlement.
- Ensure development in sensitive areas respects its context and the preferred character of the area.
- Identify appropriate locations for higher density urban development in town centre structure plans and outline development plans that do not detrimentally affect the heritage values, preferred neighbourhood character or landscape character of the Shire's towns.
- Ensure the planning density and design of new residential development recognises the environmental and infrastructure constraints and preserves the distinctive characters of the Shire's various communities and individual towns and settlements.

Objective 3 – To ensure development and built form occurs in a sustainable manner.

Strategies:

- 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

## Clause 21.13 Local Areas and Small Settlements

### Kyneton

Kyneton is a large district town that performs an important retail and service role for the surrounding agricultural district and smaller settlements. The town's economic base is supported by major industries and enterprises such as saleyards, abattoirs, and an administration centre. Kyneton's role is also defined by its good road and rail connections to Melbourne and Bendigo and its tourism.

Kyneton's character is defined by the following elements:

- 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.

The Macedon Ranges Settlement Strategy estimates that Kyneton and surrounds can accommodate population growth of 2,900 people between 2006 and 2036. Some of this growth, most of which is expected to occur within the township itself, can be accommodated within existing residential zoned land through infill development. The area south of the railway line has been identified as an investigation area to accommodate medium to long term growth. Kyneton is well placed to accommodate the majority of new industrial development in the northern part of the shire.

There is sufficient industrial zoned land available north of the freeway to meet projected demand. Expected demand for commercial zoned land to 2036 can largely be met by existing zoned land, although opportunities for restricted retail or other large formats in the town centre are limited. The Kyneton Structure Plan, 2013 was prepared to guide future urban development having regard for

township character and environmental constraints. This will enable commercial and industrial growth, as well as the orderly, sustainable and sequential development of housing.

Key issues for Kyneton:

- Protecting the township's key character elements, including the grid based town centre and heritage assets.
- 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.
- Minimising land use conflict between industrial and residential use
- Transitioning some of the small, older industrial precincts to other uses.

#### Precinct 1: Kyneton Township Residential Village West Precinct

This precinct comprises the residential area west of the town centre between Mollison Street and the Campaspe River. The precinct is set out in a traditional grid layout. The area is characterised by pre-World War II, generally single storey dwellings on lots of around 1,000 square metres, often with regular 20 metre wide frontages. Some multi-dwelling development has occurred which is dispersed throughout. Bluestone gutters, mature street trees and views of the surrounding rural landscape to the west are features of the precinct.

There is potential for incremental infill development within this area provided it reflects the scale and character of the established parts of the precinct. The former Kyneton Hospital site in Wedge Street is identified as a strategic redevelopment site

Strategies:

- Maintain the garden setting of dwellings through the use of traditional front and rear setbacks, appropriate building footprints, inclusion of canopy trees into new landscaping and minimisation of hard surfaces.
- Maintain the predominant single storey character of the streetscape by minimising the visibility of second storey development from the street. This could be achieved by avoiding sheer two storey front walls, containing the second storey within the roof form or setting it behind the first storey roof.
- Maintain the streetscape pattern of regular, detached dwellings.
- Require garages and carports to be setback behind the front façade of dwellings or sited to the rear of the property.
- Avoid front fences over 1.2 metres in height.
- Avoid removal of mature street trees and bluestone gutters.
- Support multi-dwelling development that:
  - Presents to the street as a single, detached dwelling.
  - Provides landscaping along internal driveways.
  - Protects the residential amenity of adjoining properties. This could be achieved by locating two storey elements centrally within the site; locating two storey elements where they are substantially screened by existing built structures or vegetation; and/or reducing the scale and visual bulk of the second storey by incorporating appropriate articulation and upper level side and rear setbacks.
- Support greater housing diversity on strategic redevelopment sites that integrates with the surrounding residential areas in terms of scale, layout and design, and protects views from adjoining open space corridors.

## Neighbourhood Residential Zone Schedule 10

The subject site and land to the east and west is zoned Neighbourhood Residential Schedule 10. Land to the north is zoned Public Use Zone 7- Other Public Use, and land to the south is in a Public Park and Recreation Zone.

The purpose of the Neighbourhood Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.



A childcare centre is a non-specified Section 2 use requiring a planning permit for use. A permit is required to construct a building or carry out works associated with a Section 2 Use. There is no applicable height requirement for non-residential development.

### Decision Guidelines Applicable to Non-residential Use and Development

In the local neighbourhood context:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works. The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal

## Schedule 10 – Kyneton Township Residential Village East Precinct and Kyneton Township Residential Village West Precinct

Schedule 10 provides neighbourhood character objectives applicable to general development, variations to Clause 54 and Clause 55, and height requirements applicable to residential development.

Neighbourhood character objectives:

- To facilitate incremental infill development.
- To encourage landscaped front and rear gardens with mature vegetation, including canopy trees.
- To encourage a consistent pattern of detached dwellings that maintains the area's single storey scale.
- To support absent or low front fences that allow views of front gardens.
- To retain historic bluestone gutters and mature street trees.

### 4.4 Overlays

The entire site and surrounding areas are covered by Environmental Significance Overlay Schedule 4. Land to the south of Simpson Street is covered by an Environmental Audit Overlay. The site of the old hospital and associated buildings are covered by Heritage Overlay 220.

There is no permit trigger under the overlay for the childcare centre. A permit is required for the removal, destruction or lopping of native vegetation but no vegetation is proposed to be removed.



### Schedule 4 – Eppalock Proclaimed Catchment

Statement of environmental significance:

Lake Eppalock is a major water storage and recreational facility located within the Campaspe River catchment. It is a major source of water for irrigation, stock and domestic and urban water supplies for towns within the municipality.

There are no permit triggers relevant to this application under the schedule.

## 4.5 Particular Provisions

### CLAUSE 52.06 CAR PARKING

Clause 52.06 has the following purposes:

- To ensure that car parking facilities are provided in accordance with:
  - Any parking precinct plan.
- To provide the opportunity to use parking precinct plans in appropriate locations.
- To promote the efficient use of car spaces through the consolidation of car parking facilities.
- To ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.
- To ensure that the design and location of car parking areas:
  - Does not adversely affect the amenity of the locality, in particular the amenity of pedestrians and other road users.
  - Achieves a high standard of urban design.
  - Creates a safe environment for users, particularly at night.
  - Enables easy and efficient use.
  - Protects the role and function of nearby roads.
  - Facilitates the use of public transport and the movement and delivery of goods.

Pursuant to this clause, a new use must not commence until the required car spaces have been provided on the land. Pursuant to Table 1 at Clause 52.06-5, the childcare centre generates a parking requirement of 26 spaces based on 120 childcare places and a rate of 0.22 space per child.

## 4.6 General Provisions

### CLAUSE 65 DECISION GUIDELINES

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

This clause does not apply to a VicSmart application.

## 5. Other Relevant Matters

### 5.1 Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'. 'Areas of cultural heritage sensitivity' are defined under the *Aboriginal Heritage Regulations* 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the *Aboriginal Heritage Regulations* 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed. If a significant land use change is proposed, a cultural heritage management plan may be triggered. Under the *Aboriginal Heritage Act* 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

A Cultural Heritage Management Plan is currently being prepared and will be submitted to Council in due course.

### 5.2 Bushfire Management

The property is in a designated bushfire prone area but is not affected by a Bushfire Management Overlay. The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

The development has been sited and designed to achieve all relevant bushfire management requirements.

### 5.3 Victorian Heritage Register

The hospital and associated outbuildings are listed in the Victorian Heritage Register (VHR H1684).

Whilst the proposed ELC is located away from the former hospital and associated buildings and is not subject to heritage controls, we recognise the heritage significance of these buildings and to that extent influences the way the wider site is developed to be used and developed.

The masterplan will ensure that land uses are appropriate and compatible with the heritage significance and traditional post-contact use of the site for community purposes. The current proposal for a childcare centre (ELC) is consistent with this vision and will not adversely impact the heritage place.

## 6. Assessment

A childcare centre (ELC) is a compatible use in a residential area. It will serve local community needs and the proposed development has a built form, scale, and level of intensity that can be supported in this location in terms of planning policy, amenity and neighbourhood character. The use and development will have minimal impact on the area with respect to the design and appearance of the building, traffic, car parking, access and overall site layout.

Whilst the development of vacant land will bring about change, it forms the first stage of an overall development of the Old Kyneton Hospital site that has been recognised as a strategic redevelopment site in the Macedon Ranges Planning Scheme.

The overall precinct concept will provide a net community benefit and sustainable development for the community by retaining, preserving and repurposing a valued heritage building and creating a community facilities and services precinct that are in keeping with the traditional post-contact use of the land.

More particularly, the childcare centre will provide additional childcare places, increase choice and create job opportunities for the local community.

### 6.1 State and Local Planning Policy Framework

Any use and development must have regard to the relevant State and Local Planning policy as identified in Section 4 of this report.

Clause 11 broadly seeks to ensure the orderly and proper planning of urban land and ensure it meets the existing and future needs of the community. The provision of a childcare centre on the subject site will provide an important community facility and a diversity of choice for local residents and residents from surrounding rural communities. It serves to limit sprawl, provides employment opportunities, and supports sustainable development within a nominated regional centre. It also capitalises on an opportunity for sensitive urban renewal of an infill site and provides community facilities and services in a central location.

The proposal is well-resolved and supported by technical assessments, including a traffic assessment report demonstrating that the site can support the use, scale and intensity of the proposed development and will have no adverse traffic impacts on the surrounding residential area.

Clause 15 seeks to ensure development respects the existing and preferred neighbourhood character, and that the proposal responds to its site and context. The site is within a low density residential area and the landscape is open and undulating. Surrounding residential lots are generally developed with single storey, family-sized dwellings in well-established gardens. The proposal does not represent a departure from this form of development incorporating a low profile, 1 – 2 storey, built form using traditional residential design elements and materials in a spacious garden setting to respect the neighbourhood character.

In terms of heritage, a Cultural Heritage Management Plan is currently being prepared for the wider precinct to ensure that any areas and artefacts of cultural significance associated with the land are safeguarded. The use of the site for a childcare centre (ELC) will also respect the long term use of the land for community purposes and represents the first stage of an integrated community services hub that will also accommodate an aged care facility, mixed use precinct and extensive gardens.

The siting and design of the ELC will physically complement the centrepiece heritage building on the site and will not adversely affect the heritage significance of the buildings associated with the Old Kyneton Hospital.

The existing trees on the site will continue to remain a feature and will be complemented by additional vegetation to provide an important visual screen to neighbouring sensitive land uses. Care will be taken to ensure there is no detriment to trees on neighbouring properties and to the heritage protected trees along Wedge Street abutting the site.

Clause 17 seeks to encourage development which meets the communities needs and that commercial services located in 'out-of-centre' areas provide a net community benefit. The proposed childcare centre will serve the needs of the local Kyneton community as well as the surrounding rural and peri-urban areas within the Macedon Ranges shire. The proposal will contribute to a diversity of choice, a key theme identified within the State Policy Framework. It can, therefore, be established that the proposal provides for a substantial net community benefit.

Repurposing the old hospital building and creating a community services and facilities precinct is consistent with Clause 21.1 addressing Key Issues. Again, the overall concept will retain a heritage asset and each component including the ELC will create employment opportunities, provide important additional services and facilities, and increase choice. The development will also assists containment within the existing township limits and will take pressure off development in outlying areas and smaller settlements in the Macedon Ranges Shire.

Clause 21.08 address the built environment and heritage. The development will not impact any identified areas or artefacts of Aboriginal cultural heritage significance. In terms of the built environment, the development respects the scenic rural character and landscape of the municipality by locating within the settlement boundary, by minimising height and nestling the building into the slope of the land to minimise views from nearby riparian and rural landscapes. The 1 - 2 storey height and use of traditional design and elements and materials common to many dwellings in the area will also ensure that the development harmonises with the surrounding low key residential area.

The proposal is consistent with Clause 21.13 addressing local areas and small settlements. The Old Kyneton Hospital is recognised as a strategic redevelopment site within the Kyneton Structure Plan. The proposed use of part of this site for a childcare centre represents an appropriate infill development that respects the scale and character of the area and assists to protect the township's key character elements including heritage assets. Reticulated sewerage services can be provided to the site and will not impact the Eppalock Special Water Catchment. The development respects the spacious, open feel and garden settings of the area by incorporating generous front and side setbacks to Wedge Street and to residential properties to the north that are associated with Windarra, and the built form respects the predominantly single storey character of the streetscape.

## 6.2 Zone

The proposal is consistent with the purpose and requirements of the Neighbourhood Residential Zone Schedule 10. It achieves the purpose of the zone by ensuring compliance with the state and local planning policy directives. Further, a childcare centre (ELC) is an appropriate use to locate within a residential zone, the use serves the community and is in a convenient location, the development respects the predominately single storey character of residential development in the





area, and respects the identified neighbourhood character, heritage, environmental and landscape characteristics.

In the neighbourhood context, a childcare centre is compatible with residential use, it features an appropriate scale and intensity, the design, height, setback and appearance will harmonise with surrounding development, the proposed landscaping will retain existing canopy trees as well as add new ones where appropriate, on-site car parking achieves all requirements, loading and refuse collection has been considered and the proposal has regard to safety, efficiency and amenity effects of traffic generated by the proposal.

In terms of the neighbourhood character objectives of the Kyneton Township Residential West Precinct (Schedule 10 to the Neighbourhood Residential Zone), the development represents an appropriate infill development in a residential area, provides landscaping to front and side setbacks and retains existing mature vegetation, maintains the area's single storey scale (the lower ground area to the rear will not be visible from the street), and visually permeable fencing sympathetic to the neighbourhood will be provided along the frontage to Wedge Street.

### 6.3 Neighbourhood Character and Urban Design

The proposed childcare centre building is considered to represent a high standard of architecture that is both visually appealing and site responsive with a scale and massing that is appropriate in the context of the existing surround residential built form.

The development integrates with the surrounding residential area in terms of scale, layout and design. The proposed development maintains the low scale built form typology of the streetscape. The building will read as single storey when viewed from Wedge Street and follows the slope of the land to provide a lower ground level towards the rear of the building. Good built form separation from neighbouring residential properties from the Wedge Street frontage and from the former hospital building is achieved by applying generous building setbacks to these boundaries with car parking and landscaping providing to the north and east (frontage).

A landscape concept plan has been prepared for the wider precinct and a detailed landscape plan has been provided with the application for the ELC site. The development has been sited and designed to provide a spacious garden setting around the site, avoid removal of existing canopy trees and will take measures to protect the trees along the Wedge Street frontage.

The development will harmonise well with its residential neighbours using features common to dwellings in the area. External material and finishes will include a of combination render and face brick, hipped metal roofing with gable ends complete with strapping in muted tones, multi pane windows, bay windows and verandahs to the north and east facing Wedge Street. The building is also well-articulated to break up mass and add further visual interest. The overall presentation will be a low profile building that sits comfortably within the contours of the and its traditional residential context.

The development has been designed to achieve a high standard of environmentally sustainable design with good solar access and will achieve all requirements of Water Sensitive Urban Design.

**Advertised**

## 6.4 Residential Amenity

The proposed development will have minimal adverse amenity impacts on neighbouring residential amenity. The only direct residential interface is the community housing to the north from which the building is well set back. Car parking and access are located along the frontage and northern side boundary but will be separated from the residential properties by landscaping featuring trees and shrubs to soften views of the development and to integrate with the surrounding neighbourhood.

Shadow diagrams prepared for the September equinox demonstrate that shadows cast by the building will be limited to the site itself and will have no impact on neighbouring properties.

Notwithstanding that several VCAT decisions have held that noise from children playing in childcare centres is consistent with a residential area, provision has been made in the siting and design of the childcare centre to minimise noise impacts by locating outdoor play areas to the southern side of the building, away from the abutting residential properties.

There will be no overlooking or visual bulk impacts on secluded private open space or habitable room windows located on neighbouring properties given the generous building setbacks and boundary landscaping.

## 6.5 Traffic, Parking and Access

A detailed and comprehensive assessment of the parking needs, proposed layout and traffic considerations has been prepared by Traffix Group. A 120 place childcare centre generates an on-site requirement of 32 parking spaces in accordance with Clause 52.06 of the Macedon Ranges Planning Scheme as follows:

Land Use	No. of childcare places	Applied Rate	Parking Requirement	Parking Provided
Childcare Centre	120	0.22 spaces per place	26 spaces	32 spaces

The car park includes two required DDA compliant spaces. We note that no bicycle parking is required to be provided under Clause 32.34 for a childcare centre.

Based on the analysis and discussion present in the report, the following conclusions were reached:

- The proposed childcare centre generates a statutory carparking requirement of 26 car spaces under Clause 52.06-5.
- The provision of 32 car parking spaces exceeds the statutory car parking requirement.
- The proposed development does not have any bicycle parking requirements under Clause 52.34. Bicycle parking could be provided if required post-development.
- The layout of the on-site car parking areas and accessways accords with the relevant requirements of Clause 52.06-9, AS2890.1-2004 and AS2890.6-2004 (where relevant).
- The level of peak hour traffic generated as a result of the proposal will be moderate and can be safely accommodated by Wedge Street and the surrounding road network.
- Loading activities associated with the childcare centre will be undertaken by smaller type vehicles which can be accommodated within the on-site carpark.
- Waste collection will be undertaken along the site's frontage to Wedge Street by a privately run waste service and can be formalised within a waste management plan if required.

**Advertised**

- There are no traffic engineering reasons why a planning permit for the proposed childcare centre at 67 Simpson Street, Kyneton, should not be granted, subject to appropriate conditions.

## 6.6 Vegetation

### Arboricultural Assessment

An arboricultural report has been prepared by Tree Logic assessing a total of 43 trees and four tree groups across occurring across the wider hospital precinct.

Of those trees, eleven comprise an avenue of Claret Ash along the northern side of Simpson Street within the early learning centre site (Tree nos. 22 – 32), four English Oaks are Council owned and located along Wedge Street abutting the early learning centre site (Tree nos. 40 – 43) and four trees (three eucalypts and an exotic willow species, being Tree nos. 36 - 39) are located on abutting land to the north. The trees located on neighbouring land will be required to be retained and protected even though one (willow) is regarded as a significant environmental weed in Victoria.

The trees along the closed Road formerly known as Simpson Street have a moderate to low arboricultural rating. Five of those trees are to be removed as part of this application, with the remainder to be retained and protected. The trees to be removed (and their rating) are trees 25 (Mod B), 26 (Low), 30 (Mod B), 31 (Mod B) & 32 (Mod B). It is considered appropriate that these trees can be removed, which will not detract from the environmental and landscape value of the property overall. Several canopy trees will be planted to offset the removal of these trees.

The Wedge Street trees have a high arboricultural rating and are protected under HO235. Whilst no trees are proposed to be removed in association with the ELC development, care will need to be taken with regard to the siting and construction of the two new crossings that are proposed to provided vehicle access to the site.

The development plans show that works will not encroach more than 10% into the Tree Protection Zone of Trees 40, 41, and 42 along Wedge Street. Protection of these trees can be reinforced by appropriate conditions on any permit issued. Please refer to the arboricultural report for more detail.

Advertised



### Landscape Plan

A detailed landscape plan is currently being prepared for the ELC site.

The plan will show canopy trees and understorey plantings along the frontage, along the northern boundary abutting the Windarra residences (which will assist with screening) and throughout the site generally.

Retaining several existing canopy trees and introducing many more will contribute to the garden character of the area and help to protect and enhance the scenic rural landscape and character of the municipality.

**Advertised**

## 7. Conclusion

The proposal to develop the site for childcare centre (ELC) is considered to be an efficient use of this well located infill site in a residential area.

The development represents the first stage of a greater community services and aged care precinct envisaged for the Old Kyneton Hospital site. Accordingly, it has been designed and sited to respect the heritage character and significance of the hospital buildings which are to be retained and repurposed at a later stage, to the south.

The proposal is consistent with the purpose of the Neighbourhood Residential Zone Schedule 10 and all relevant state and local planning policies, including strategies encouraging the provision of community services and the creation of job opportunities to regional areas. The outcome is a high quality, site responsive and well integrated development that will become an asset to the local community. It has regard to neighbourhood character with a low profile, purpose-built facility, and is well designed with regard to amenity, streetscape and minimising impact on surrounding residential amenity.

Car parking and access have been well considered and achieve all relevant standards and the surrounding street network is capable of accommodating the traffic generated by the proposal.

As demonstrated throughout this report, the proposal is appropriate for the site and will result in a net community benefit. It is our considered view that the proposal warrants Council support.