

MACEDON RANGES PLANNING SCHEME
AMENDMENT C153macr
PLANNING PERMIT APPLICATION PLN/2022/359
EXPLANATORY REPORT

Overview

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

Alongside the rezoning application, a planning permit application PLN/2022/359 seeks approval for:

- Buildings and works to construct a supermarket, medical centre, office and food and drink premises (two cafés); and
- A reduction in the number of car parking spaces from 61 to 57 spaces.

Where you may inspect this amendment

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

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

Macedon Ranges Shire Council Offices and Service Centres at:

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

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

Submissions

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

Macedon Ranges Shire Council
PO Box 151
Kyneton VIC 3444

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

Panel hearing dates

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

- Directions Hearing: Monday, 2 October 2023.
- Panel Hearing: Monday, 20 November 2023.

Details of the amendment

Who is the planning authority?

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

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

Land affected by the amendment

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



Figure 1: Amendment site

Source: MRSC Intramaps

What the amendment does

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

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

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

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

The planning permit application seeks approval for:

- The construction of buildings and works associated with a supermarket, medical centre, office and food and drink premises (two cafés); and
- A reduction in the number of car parking spaces from 61 to 57 spaces;
- on land known as at 101-105 Willowbank Road, Gisborne and part of the road reserve including R-2 on PS549356W.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to facilitate a future local activity centre on the land to provide for everyday shopping, commercial and medical needs of the surrounding residential community. Since 2009, the site has been earmarked as a local activity centre in the Gisborne/New Gisborne Outline Development Plan, 2009 (2009 ODP). The site is located within the township boundary and is appropriate for neighbourhood retail as outlined in Clause 11.01-1L Settlement - Gisborne (including New Gisborne).

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

basic services and everyday shopping needs. Delivering on the vision of the 2009 ODP and Clause 11.01-1L will bring a much-needed local service and amenity to the surrounding residential community. The proposed local activity centre also seeks to reduce car dependency for the surrounding area, providing a more proximate centre that prioritises pedestrian/cyclists in its design while also being well serviced by a bus route for alternative sustainable transport options.

The subject site is currently within the GRZ1. The current zoning greatly restricts the ability of the site to be developed into a local activity centre as envisioned in local planning policy for the area, as it prohibits most commercial uses or applies stringent conditions to a limited variety of uses. The rezoning of the land at 101-105 Willowbank Road to the C1Z appropriately facilitates the commercial vision of the site to create a local activity centre. It is noted that the Schedule to the C1Z will identify a maximum leasable floor area of 500 square metres for a Shop and 1000 square metres for a Office for which a permit can be granted to vary such requirements.

The inclusion of the Design and Development Overlay will ensure particular built form outcomes are achieved at the site that is consistent with the character of the surrounding area and appropriately responds to its features and implements good quality architecture and urban design. If this proposed development does not occur, the C1Z will trigger a permit for any new development if the specified maximum floor area sizes are exceeded.

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

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

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

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

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

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

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

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

Environmental effects

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

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

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

The proposal is commercial in nature and is a more intensive development of the site compared to the rest of the area. The proposal is not considered to have any other notable environmental impacts

including air emissions, light spill and glare. Noise and hours of operation of the proposal are dealt with through standard planning permit conditions. Similarly, waste removal and recycling, truck movements, goods delivery and car parking amenity is also addressed by standard planning permit conditions. All these matters will be further considered at the detailed engineering design stage and will be designed to comply with the various requirements.

Social effects

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

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

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

Economic effects

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

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

Does the amendment address relevant bushfire risk?

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

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

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

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

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

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

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

Ministerial Direction – The Form & Content of Planning Schemes

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

Ministerial Direction 11 Strategic Assessment Guidelines

The proposed amendment is supported by reports that have been prepared to aid in the strategic evaluation of the amendment as per Ministerial Direction 11 *Strategic Assessment of Amendments*. There is also existing strategic work within the Macedon Ranges Planning Scheme which supports this amendment, namely the Gisborne/New Gisborne Outline Development Plan (ODP) and Clause 11.01-1L Gisborne and New Gisborne.

To assist with preparing a comprehensive strategic evaluation, Planning Practice Note 46: *Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments* was relied upon for guidance. The strategic assessment guidelines provide a consistent framework for preparing and evaluating a proposed amendment and its outcomes.

Ministerial Direction 15 The Planning Scheme Amendment Process

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

Ministerial Direction 17 Localised Planning Statements

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

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

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

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

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

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

- The proposed amendment will facilitate the establishment of a local activity centre that services the local medical and convenient shopping needs of residents in the south of Gisborne. The local activity centre will help generate employment opportunities for the local area and, facilitate walking and cycling to these services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Clause 15-.01-1S *Urban design* which seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.01-1L *Urban design Macedon Ranges* which seeks to ensure development in townships respond to key features of existing streetscape elements, emphasising active frontages in commercial areas, passive surveillance, the retention of mature trees and encourage landscaping that incorporates native vegetation.

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

Clause 17.01-1S *Diversified economy* contains policies to generate employment including:

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Improve access to jobs closer to where people live.

Clause 17.01-1L *Diversified economy* which seeks to provide sufficient commercial and industrial land to enable an increase in job containment in the shire and to facilitate economic development.

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

Clause 17.02-1S *Commercial* includes the following strategies:

- Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
- Locate commercial facilities in existing or planned activity centres.
- Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.
- Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.
- The amendment proposes to facilitate a local activity centre that will meet the communities' needs for retail, entertainment, office and other commercial services by facilitating the day-to-day convenience shopping and service needs close to where people live.

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

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

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

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

- The amendment makes proper use of the Victoria Planning Provisions by:
- Applying a C1Z to the land to be used for commercial purposes to facilitate the development of a local activity centre. This is the most appropriate zone as it allows for a range of commercial activities akin to the purpose of the local activity centre. The proposed amendment makes appropriate use of the Schedule to Clause 34.01 (Commercial 1 Zone) by including a cap on the gross leasable floorspace for office and shop (unless otherwise approved through a planning permit), to ensure the development provides for local and convenience commercial opportunities.
- Applying the DDO27 to inform the key development outcomes for the land. This is the most appropriate overlay for the site as it establishes the expectations and requirements of the built form and landscaping so that it is consistent with the character of the area.
- The amendment appropriately uses the Schedule to Clause 52.02 (Easements, Restrictions and Reserves), to vary a restrictive covenant that applies to the land.

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

- *Planning Practice Note 22 Using the Car Parking Provisions*
- *Planning Practice Note 58 Structure Planning for Activity Centres*
- *Planning Practice Note 60 Height and Setback Controls for Activity Centres*
- *Planning Practice Note 96 Planning Considerations for Reflected Sunlight Glare*

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

Planning Practice Note 58 *Structure Planning for Activity Centres* provides guidance on the development of activity centres and has been considered as part of this rezoning application and concurrent permit application for a local Activity Centre. A clear vision of the purpose of the LAC is outlined in the Gisborne/New Gisborne Outline Development Plan (ODP). In addition Clause 11.01-1L Gisborne and New Gisborne provides the strategy to: establish local neighbourhood activity centres in residential areas that include: two local centres to the south and west of the Gisborne town centre area to service new residential areas with basic convenience needs.

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

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

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

The views of the relevant agencies were sought through the exhibition stage of the amendment and all advice has been incorporated into in the final documentation.

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

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

Resource and administrative costs

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

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

Planning and Environment Act 1987

MACEDON RANGES PLANNING SCHEME

**Notice of the Preparation of an Amendment to a Planning Scheme and
Notice of an Application for a Planning Permit Given Under Section 96C of the *Planning and
Environment Act 1987***

Amendment C153macr

Planning Permit Application PLN/2022/359

The land affected by the Amendment is 101-105 Willowbank Road, Gisborne.

The land affected by the application is 101-105 Willowbank Road, Gisborne.

The Amendment proposes to:

- Rezone land located at 101-105 Willowbank Road, Gisborne from a General Residential Zone Schedule 1 (GRZ1) to Commercial 1 Zone (C1Z).
- Apply a Design and Development Overlay, Schedule 27 (DDO27) shown on Planning Scheme Map No. 36DDO.
- Amend the Schedule to Clause 34.01 (C1Z) to insert maximum leasable floor areas of 500 square metres for a shop and 1000 square metres for an office.
- Inserts a new Schedule 27 to Clause 43.02 (Design and Development Overlay).
- Amends the Schedule to Clause 52.02 (Easements, Restrictions and Reserves).

The application is for a permit to:

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

The applicant for the permit is Brady Road Investments Pty.

You may inspect the Amendment, the Explanatory Report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit, free of charge, at:

- the Macedon Ranges Shire Council website at <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say>; and/or
- during office hours, at the office of the planning authority, Macedon Ranges Shire Council Offices and Service Centres at:
 - Gisborne Council Office, 40 Robertson Street, Gisborne
 - Kyneton Council Office, 129 Mollison Street, Kyneton .
- at the Department of Transport and Planning website www.delwp.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

Any person who may be affected by the Amendment or by the granting of the permit may make a submission to the planning authority about the amendment and the application. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions.

The closing date for submissions is 13 June, 2023. A submission must be sent to the Strategic Planning Unit, Macedon Ranges Shire Council, PO Box 151, Kyneton VIC 3444 Or can be made via Macedon Ranges Shire Council's 'Have your say' webpage at <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say> or can be sent via email to Macedon Ranges Shire Council at mrsc@mrsc.vic.gov.au.

The planning authority must make a copy of every submission available at its office and/or its website for any person to inspect free of charge until the end of the two months after the amendment comes into operation or lapses.

BERNIE O'SULLIVAN
Chief Executive Officer
Macedon Ranges Shire Council

Planning and Environment Act 1987

MACEDON RANGES PLANNING SCHEME

AMENDMENT C153macr

INSTRUCTION SHEET

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

The Macedon Ranges Planning Scheme is amended as follows:

Planning Scheme Maps

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

Zoning Maps

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

Overlay Maps

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

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

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

End of Document

C153

SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE

1.0

Maximum leasable floor area requirements

C153

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

C153
/ /2023**SCHEDULE 27 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO27**.

101-105 WILLOWBANK ROAD GISBORNE**1.0 Design objectives**C153
/ /2023

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

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

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

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

2.0 Buildings and worksC153
/ /2023

A permit is required to construct a fence.

Design requirements

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

Building siting

- Buildings should have a maximum height of 11 metres (as measured from natural ground level at the street edge), and zero setback to the street edge.
- Buildings should be located and arranged to allow daylight and sunlight access to key public spaces and key pedestrian street spaces.
- Buildings must address the street and corner location with car parking located to the rear, side or underneath the development.

Building design

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

Access

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

Public realm and landscaping

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

3.0

Subdivision

C153
/ /2023

None specified.

4.0

Signs

04/10/2018

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

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

5.0

Application requirements

30/07/2018

None specified.

6.0

Decision guidelines

30/07/2018

10/09/2021
C131macr

SCHEDULE TO CLAUSE 52.02 EASEMENTS, RESTRICTIONS AND RESERVES

1.0

--/--/----

Proposed C153macr

Under Section 23 of the Subdivision Act 1988

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

2.0

19/01/2006
VC37

Under Section 24A of the Subdivision Act 1988

Land	Person	Action
None specified		

3.0

19/01/2006
VC37



Under Section 36 of the Subdivision Act 1988

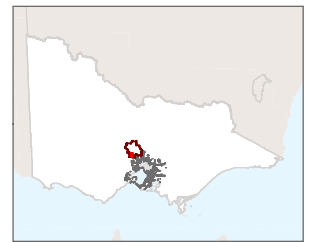
Land	Easement or right of way	Requirement
None specified		

MACEDON RANGES PLANNING SCHEME - LOCAL PROVISION AMENDMENT C153macr



LEGEND

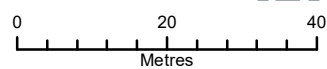
-  C1Z - Commercial 1 Zone
-  Local Government Area



Part of Planning Scheme Map 36

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Amendment Version: 2



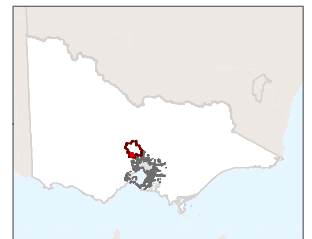
Department
of Transport
and Planning

MACEDON RANGES PLANNING SCHEME - LOCAL PROVISION AMENDMENT C153macr



LEGEND

- DDO27 - Design and Development Overlay - Schedule 27
- Local Government Area



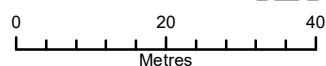
Part of Planning Scheme Map 36DDO

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Print Date: 22/03/2023
Amendment Version: 1



Department
of Transport
and Planning



Form 9

Section 96J

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

PERMIT NUMBER:	PLN/2022/359
PLANNING SCHEME:	Macedon Ranges Planning Scheme
RESPONSIBLE AUTHORITY:	Macedon Ranges Shire Council
ADDRESS OF THE LAND:	LOT 43 including R-2, as identified on PS 549356W P/Gisborne 101-105 Willowbank Road GISBORNE
THE PERMIT ALLOWS:	
34.01	Use the land for a medical centre
34.01 43.02	Construct a building or construct or carry out works for a supermarket, medical centre, office and food and drink premises.
52.06	Reduce the number of carparking spaces

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Approved and endorsed development plans

1. Before development starts, plans must be approved and endorsed by the responsible authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must:
 - a) be prepared to the satisfaction of the responsible authority
 - b) be drawn to scale with dimensions
 - c) be generally in accordance with the plans prepared by Clarke Hopkins Clarke Ref.No. 210037 dated 10.06.2022 but modified to show:
 - I. The location of a rainwater tank with a minimum capacity of 10,000litres to capture stormwater from the rooftops of the buildings for harvesting and re-use.
 - II. The design of a rainwater detention system that ensures the post-development rate of stormwater discharge from the site in a 10% AEP storm is no greater than the pre-development discharge rate in a 20% AEP storm.

Layout not altered

2. The layout of development must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.

Date Issued:

Signature of the Responsible Authority: _____

Landscape plan

3. Before development starts, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be drawn to scale with dimensions and generally in accordance with the endorsed site plan. The landscape plan must:
- a) be prepared to the satisfaction of the responsible authority
 - b) be prepared by a suitably qualified person
 - c) have plans drawn to scale and dimensions
 - d) be generally in accordance with the development plans approved and endorsed under condition 1 site plan.
 - e) be generally in accordance with the landscape concept plans prepared by Taylors, Ref 22601/LA dated 7 July 2022 but modified to show the following details:
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed and any natural features.
 - ii. The area or areas set aside for landscaping.
 - iii. A planting schedule of all proposed trees, shrubs/small trees and ground covers, (including deep root species) including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - iv. The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material.
 - v. Paving, retaining walls, fence design details and other landscape works including areas of cut and fill.
 - vi. An irrigation system to all landscaped areas that includes any deep-rooted trees and shrubs around the perimeter and internal to the site.
 - vii. Landscaping along the eastern façade of the supermarket and northern façade of the medical centre in the form of groundcovers and vertical landscape climbers to create a 'green-wall'.
 - viii. The removal of the two existing street trees in the road reserve of Willowbank Road to allow for the construction of a new crossover and to reduce any future building façade/tree conflicts.
 - ix. The location of new street trees in the road reserves of Willowbank Road and Brady Road adjacent to the new development.
 - x. The street tree species selection including small to medium size at maturity to ensure no future conflicts with the building and facade.
 - xi. Trees spaced at a minimum of every 10 metres and in appropriate locations. A plant schedule for proposed tree species showing a minimum supply size of a 45 litre pot and 1.6 metres in height.
 - xii. The following notations:
 - *Tree planting is to occur between April and September to maximise establishment and survival.*
 - *Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and infrastructure.*

- *Before installed, street tree locations are to be set out and approved by the responsible authority.*
- *It is the responsibility of the contractor to confirm the location of all underground services before any excavation starts.*

Completion of landscaping

4. Before the buildings are occupied, landscaping as shown on the endorsed landscape plans must be completed, unless approved in writing by the responsible authority, and must be maintained to the satisfaction of the responsible authority for a period of two (2) years from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas must be replaced or repaired and repairs and replacements must not be deferred until the completion of the maintenance period.

Limit on medical practitioners

5. No more than seven (7) medical practitioners may operate from the premises at any one time without the written consent of the responsible authority.

General amenity provision

6. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, good or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.

Control of light spill

7. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land to the satisfaction of the responsible authority.

Control of noise

8. Noise levels emanating from the premises must not exceed those required to be met under EPA Publication 1826.4 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (the Noise Protocol) as amended from time to time, to the satisfaction of the Responsible Authority.
9. All exterior plant and equipment located on the rooves of the buildings must be installed in a manner to be visually obscured from nearby roads and surrounding properties and acoustically treated to meet condition 8, both to the satisfaction of the responsible authority.
10. Before buildings are occupied, a 2.4 metre high acoustically rated perimeter fence must be constructed along the western and southern boundaries of the site at thereafter maintained to the satisfaction of the Responsible Authority.

11. Once mechanical services design has progressed to a suitable level of detail, an acoustic assessment of the mechanical services design should be conducted by a suitably qualified and experienced acoustic consultant. Reasonably practicable noise controls should be investigated and implemented, and any noise controls required for compliance with the relevant legislative criteria should be included in the final design.

Hours of operation – supermarket

12. The supermarket must not operate outside the following times:
- a) 7am to 8pm Monday to Saturday
 - b) 8am to 8pm on Sunday and public holidays.

Hours for deliveries and waste collection

13. Deliveries and waste collection must only occur between 7pm to 8pm except with the written consent of the responsible authority.

Rainwater tank

14. Before the buildings are occupied, a potable water supply (rainwater tank) with a storage capacity of at least 10,000 litres must be provided for use by the development to the satisfaction of the responsible authority.

Stormwater management plan

15. Before the development starts, a stormwater management plan must be approved and endorsed by the responsible authority. The stormwater management plan must:
- a) be prepared to the satisfaction of the responsible authority
 - b) include details of a stormwater management system, including drainage works and detention and discharges of stormwater to the drainage system, that has been designed to meet the requirements of conditions 1(c)(ii) and 15
 - c) set out how the stormwater management system will be managed on an ongoing basis
 - d) demonstrate how all relevant standards set out in the planning scheme relating to storm water management will meet the objectives in the planning scheme, including modelling and calculations.

Stormwater management plan

16. Before development starts, engineering plans detailing the stormwater drainage must be submitted and approved by the responsible authority and the plan and supervision fees paid. The plans must be drawn to scale with dimensions and show:
- a) A drainage system for the whole of the development with:
 - I. provision for runoff from upstream catchments and downstream works necessary to manage flows from the development

- II. legal point of discharge approved by the responsible authority and the relevant drainage authority
- b) Stormwater runoff from all buildings, tanks and paved areas drained to a legal point of discharge.
- c) All drainage courses contained within drainage easements.
- d) The flow paths of stormwater discharged from the site in a 1%AEP storm which demonstrate that no private property is inundated.
- e) A gross pollutant trap incorporated into the drainage system.

17. No polluted and/or sediment-laden run-off is to be discharged directly or indirectly into drains or watercourses.

Construction management

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

Carpark construction and maintenance

- 20. No fewer than 57 car spaces must be provided on the land for the development including two (2) spaces clearly marked for use by disabled persons.
- 21. Before the buildings are occupied, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:
 - a) Constructed.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Surfaced with an all-weather seal coat or treated to the satisfaction of the responsible authority to prevent dust and gravel from being emitted from the land.
 - e) Clearly line marked to indicate each car space and all access lanes.
 - f) Clearly marked to show the direction of traffic along access lanes and driveways.
 to the satisfaction of the responsible authority.
- 22. At all times car spaces, access lanes and driveways must be drained and maintained and kept available for these purposes to the satisfaction of the responsible authority.

Date Issued:

Signature of the Responsible Authority: _____

New vehicular crossings

23. Before the buildings are occupied, two new crossovers within the road reserves of Willowbank Road and Brady Road must be constructed with a sealed surface to the satisfaction of the responsible authority.
24. Before the buildings are occupied, the driveway to the development must be constructed to meet the following requirements to the satisfaction of the responsible authority:
 - a) The driveways must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - b) The driveway must have a minimum trafficable width of 3.5 metres, be clear of encroachments 4 metres vertically and have no obstructions within 0.5 metres on either side of the formed width of the driveway.
 - c) The average grade must be no more than 1 in 7 with a maximum of no more than 1 in 5 for no more than 50 metres.
 - d) Dips must have no more than a 1 in 8 entry and exit angle.

Environmental management plan

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

Expiry of Permit

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

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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

WHEN DOES A PERMIT BEGIN?

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

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
 - the development or any stage of it does not start within the time specified in the permit, or
 - the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of land expires if:
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the completion of the development, or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision:
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

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