



**Macedon
Ranges**
Shire Council

ATTACHMENTS

**Council Meeting
Under Separate Cover**

Wednesday 18 December 2024

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**Planning
Panels
Victoria**

**Macedon Ranges Planning Scheme Amendment C154macr
1 Wills Street Malmsbury**

Panel Report

Planning and Environment Act 1987

2 September 2024



How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority may also recommend to the Minister that a permit that applies to the adopted Amendment be granted. The Minister may grant or refuse the permit subject to certain restrictions. [sections 96G and 96I of the PE Act]

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31(1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Macedon Ranges Planning Scheme Amendment C154

1 Wills Street Malmsbury

2 September 2024



Sarah Carlisle, Chair

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Glossary and abbreviations

Council	Macedon Ranges Shire Council
DEECA	Department of Energy, Environment and Climate Change
DELWP	Department of Environment, Land, Water and Planning (former)
DTP	Department of Transport and Planning
Heritage Study	Shire of Kyneton Conservation (Heritage) Study 1990
MPS	Municipal Planning Strategy
MRRA	Macedon Ranges Residents Association
NRZ	Neighbourhood Residential Zone
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Macedon Ranges Planning Scheme
PPN01	Planning Practice Note 1 – Applying the Heritage Overlay
Settlement Strategy	Macedon Ranges Settlement Strategy 2011
Small Towns Study	Macedon Ranges Small Towns Study 2006

Overview

Amendment summary	
The Amendment	Macedon Ranges Planning Scheme Amendment C154macr
Permit application	PLN/2022/198
Common name	1 Wills Street Malmsbury
Brief description	Combined planning scheme amendment and planning permit application to facilitate the subdivision of the subject land into nine residential lots of around 2,000 square metres
Subject land	1 Wills Street Malmsbury and parts of the adjacent road reserves
The Proponents	Deborah Barton and Steven Waldron
Planning Authority	Macedon Ranges Shire Council
Authorisation	16 June 2023, with conditions
Exhibition	26 February to 1 April 2024
Submissions	Number of Submissions referred: 6 <ul style="list-style-type: none">- Macedon Ranges Residents Association (MRRA)- Terry Gilbert- Kate and Rob McCarthy- Adrian Gauci- Department of Transport and Planning (not opposed)- Proponents (support)
Panel process	
The Panel	Sarah Carlisle, Chair
Directions Hearing	Online, 15 July 2024
Panel Hearing	Planning Panels Victoria, 12 and 13 August 2024
Site inspections	Unaccompanied, 8 August 2024
Parties to the Hearing	Council: Daniel Hall, Strategic Planner and Leanne Khan, Coordinator Strategic Planning Proponents: Patrick Doyle, TP Legal who called evidence from: <ul style="list-style-type: none">- Cliff Dillon of Cadeema Environmental (agricultural)- Chris McNeill of Ethos Urban (economics and land supply) MRRA: Christine Pruneau, Secretary Terry Gilbert
Citation	Macedon Ranges PSA C154macr [2024] PPV
Date of this report	2 September 2024

Executive summary

Third party review and independent scrutiny of strategic planning decisions play a crucial role in our planning system, and generally benefit the system greatly. This was not so in relation to Macedon Ranges Planning Scheme Amendment C154macr (the Amendment).

The Amendment seeks to facilitate the subdivision of land at 1 Wills Street Malmsbury into nine large residential lots of around 2,000 square metres. The Amendment is accompanied by a permit application for the subdivision. The draft permit conditions require (among other things) the lots to be connected to reticulated services, including sewerage.

The site, currently in the Farming Zone, is located on the periphery of Malmsbury close to its eastern edge. It has been located within the township boundary for 24 years.

Key issues raised in submissions included:

- strategic justification, including:
 - concerns over the loss of agricultural land
 - lack of justification for the rezoning based on land supply
- the removal of the Heritage Overlay
- impacts on cultural and rural landscapes, and community cohesion and quality of life
- impacts on neighbourhood character, including concerns with the proposed development standards that would apply under the proposed Neighbourhood Residential Zone Schedule 13 (NRZ13)
- stormwater management
- traffic and traffic safety
- challenges in servicing the land.

While only 5 objecting submissions were received, the submissions were not able to be resolved, and Council was required under section 23 of the *Planning and Environment Act 1987* to refer the submissions to a panel.

The submissions objecting to the Amendment and permit on strategic grounds were entirely without merit. The strategic role of the site was determined 24 years ago, when it was included within the township boundary. It was determined at that point that the land's future use would be for urban purposes. Farming Zoned land is not necessarily agricultural land, and the land is patently unsuitable for agriculture. Submissions raising concerns over the loss of agricultural land misunderstood the intent of policy that seeks to protect agricultural land.

The Amendment and permit application do not need to be justified on the basis of an inadequate or constrained supply of residential land. The policy framework requires planning authorities to ensure a supply of residential land in their municipalities of *at least* 15 years. The 15-year supply target is not intended to operate as a cap or ceiling. Nothing in the policy framework discourages a planning authority from seeking to ensure a supply of more than 15 years, or to ensure an adequate supply on a township basis rather than a municipal wide basis.

The proposed development poses no threat to the valued landscapes and special characteristics of the Macedon Ranges, or Malmsbury's role in the settlement hierarchy as a small town. Nor does it pose any threat to the heritage values of the Malmsbury Precinct or the character of Malmsbury as a small rural town. That said, removing the site from the Heritage Overlay as part of this Amendment does not represent orderly planning. While the net may have been cast too wide

when HO148 was introduced into the Planning Scheme, a more comprehensive assessment of the whole Precinct is required before sites are removed.

Submissions that raised concerns about drainage, traffic and servicing were largely about existing conditions that have nothing to do with the proposed development. To the extent that submissions asserted the proposed development would create problems or make existing problems worse, they provided no information or evidentiary basis to substantiate their concerns.

The only issue in dispute between Council and the Proponents was in relation to condition 1(b) of the proposed permit, relating to setbacks of the future dwellings. The Panel agrees with the Proponents that condition 1(b) is not required to avoid uniform built form along the site's street frontages and to achieve the desired neighbourhood character for the area.

It is unfortunate that Council was compelled to refer unsubstantiated submissions that lacked any strategic merit to a panel simply because they were unresolved. It is equally unfortunate that the Proponents felt compelled to incur the cost of obtaining expert evidence to answer these submissions, and to support what is patently obvious from the long-standing policy settings for the land – that this land should be repurposed for urban purposes.

Recommendations

Based on the reasons set out in this Report, the Panel recommends:

1. **Adopt Amendment C154macr to the Macedon Ranges Planning Scheme as exhibited, subject to the specific recommendations in this report.**
2. **Grant permit application PLN/2022/198 for the subdivision of the land into nine lots subject to the Panel's recommended conditions in Appendix C.**
3. **Retain the Heritage Overlay on the site.**
4. **Delete condition 1(b) from draft Permit PLN/2022/198 as shown in Panel's recommended conditions in Appendix C.**

1 Introduction

1.1 The Amendment

The purpose of the Amendment is to facilitate residential subdivision of the land at 1 Wills Street Malmsbury (the site). Specifically, the Amendment proposes to:

- rezone the site and parts of the surrounding road reserves from Farming Zone to Neighbourhood Residential Zone and apply a new Schedule 13 (NRZ13) to the land
- delete the Heritage Overlay (HO148) from the land.

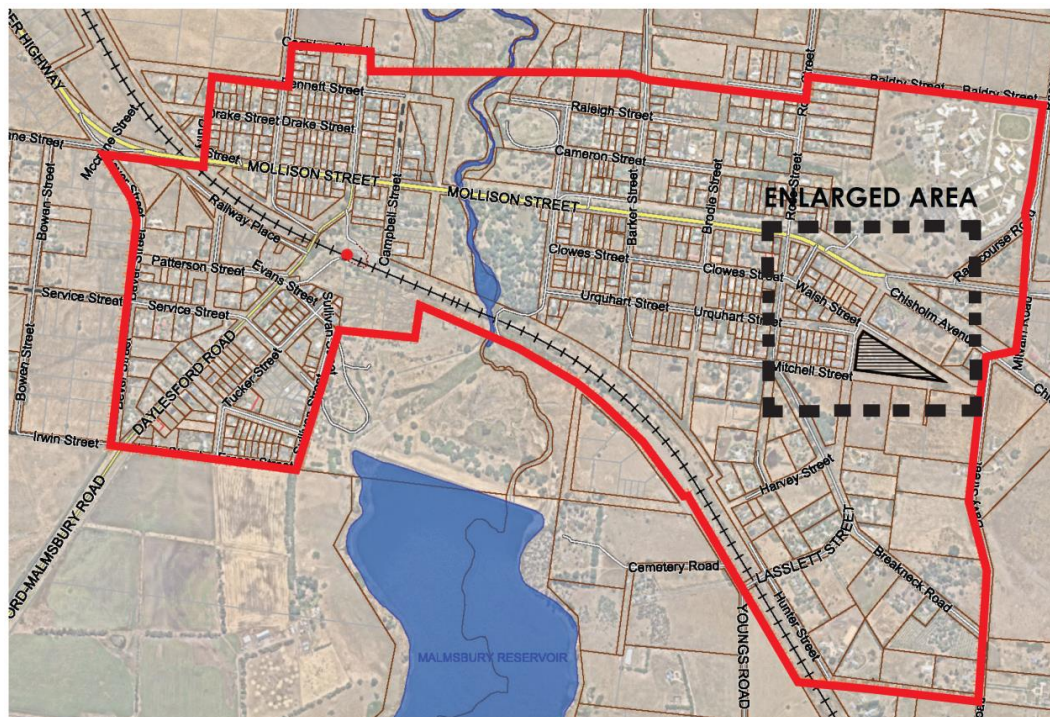
The NRZ13 introduces:

- new neighbourhood character objectives
- a minimum subdivision area of 2,000 square metres
- variations to the requirements of the following clauses in the Macedon Ranges Planning Scheme (Planning Scheme):
 - Clause 54 (One dwelling on a lot or a small second dwelling on a lot)
 - Clause 55 (Two or more dwellings on a lot and residential buildings).

1.2 The site

The site is hatched in Figure 1. It sits within the Malmsbury town boundary, which is shown in red in Figure 1.

Figure 1 Subject land within the Malmsbury town boundary



Source: Document 2

The site is around 1.85 hectares. It has frontages to Wills Street, Walsh Street and Mitchell Street. The status of these roads is summarised in Table 1, and their existing and proposed extents are shown in the indicative proposed subdivision layout in Figure 4 below.

Table 1 Roads surrounding the site

Road	Current condition	Proposed as part of the development
Wills Street	Made (unsealed) along the length of the site's western boundary	No change
Walsh Street	Made (unsealed) for part of the site's northern frontage	Extended to a court bowl to allow access to the lots that will front Walsh Street
Mitchell Street	Unmade along the site's southern frontage	Extended from the Wills Street intersection to a court bowl to allow access to the lots that will front Mitchell Street

Figure 2 below provides context in relation to the zoning of the site and surrounding land. The site is surrounded by:

- Farming Zone to the northeast
- General Residential Zone to the west and northwest, which has largely been subdivided into standard density residential lots
- Rural Living Zone to the south, with lower density, larger lots.

The site is located around 800 metres from the commercial centre of Malmsbury.

The site is covered by the Heritage Overlay (HO148). HO148 applies to the Malmsbury Precinct, as shown in Figure 3 below. The site is also covered by the Environmental Significance Overlay Schedule 4, which protects the Eppalock Special Water Supply Catchment. The Erosion Management Overlay applies to land surrounding the site, but not the site itself.

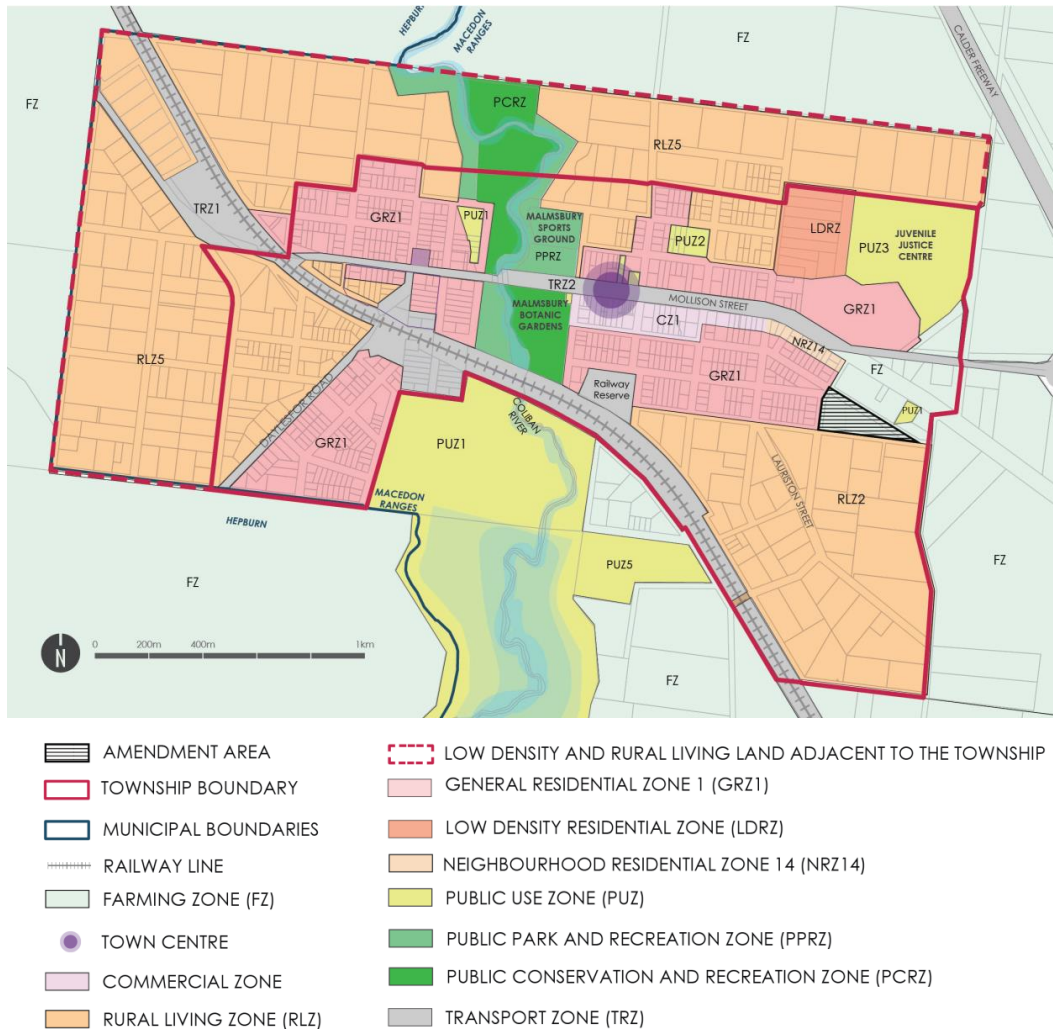
1.3 The permit application

The planning permit application seeks approval for the subdivision of the site into nine lots ranging in size from 2,000 to 2,182 square metres. An indicative layout of the subdivision, including indicative building envelopes, is shown in Figure 4.

The setbacks shown in Figure 4 meet the minimum setbacks required under the proposed NRZ13, namely:

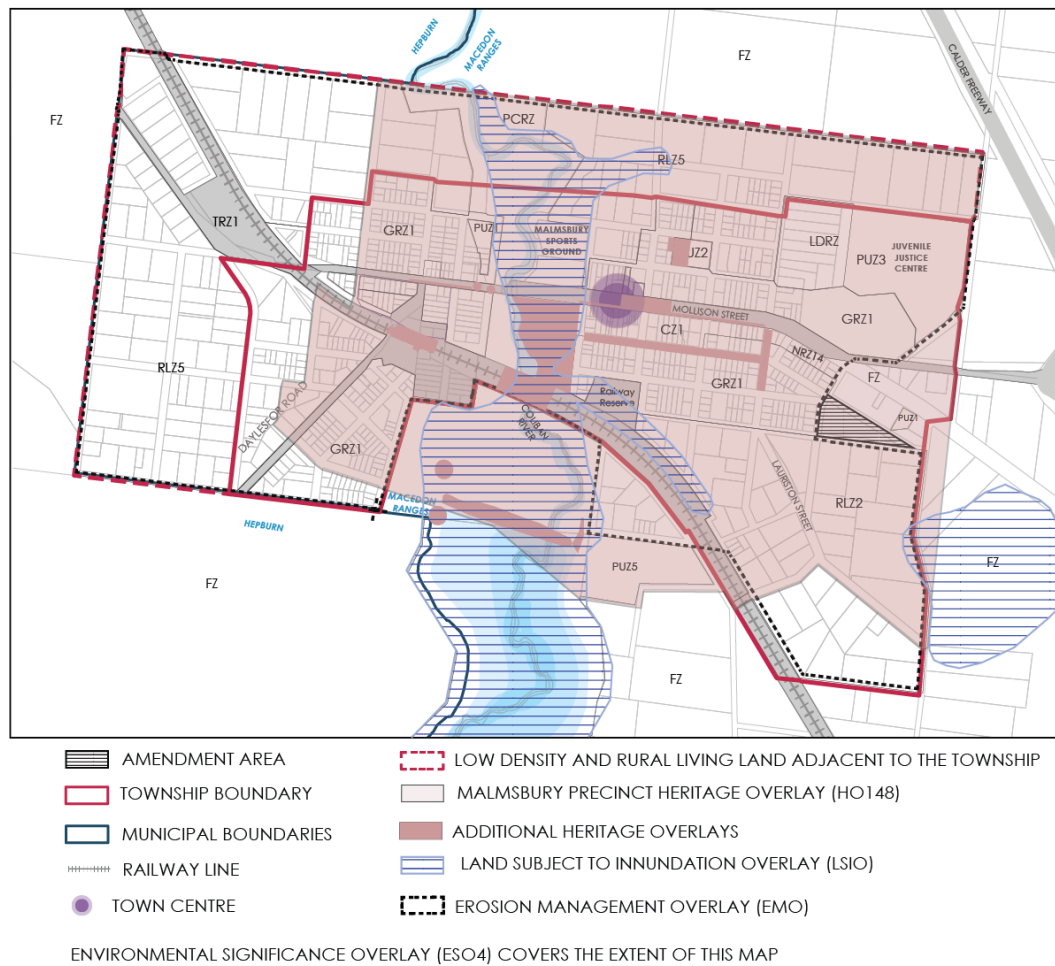
- 12 metre front setbacks
- 5 metre side and rear setbacks.

Figure 2 Zoning within the Malmsbury township and surrounds



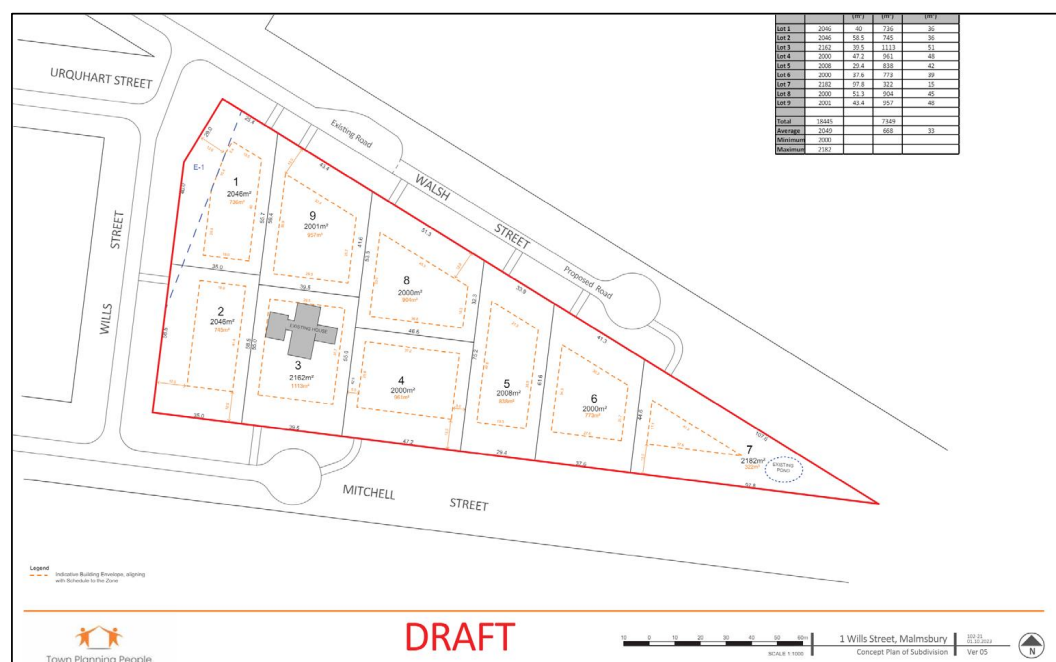
Source: Document 2

Figure 3 Extent of the HO148



Source: Document 3

Figure 4 Indicative subdivision layout



Source: Document 3

1.4 The issues

Key issues raised in submissions were:

- strategic justification, including:
 - concerns over the loss of agricultural land
 - lack of justification for the rezoning based on land supply
- the removal of the Heritage Overlay
- impacts on cultural and rural landscapes, and community cohesion and quality of life
- impacts on neighbourhood character, including concerns with the proposed development standards that would apply under the NRZ13
- stormwater management
- traffic and traffic safety
- challenges in servicing the land.

The Proponents supported the Amendment and proposed permit, save for condition 1(b).

1.5 Procedural issues and limitations

The submission of the Macedon Ranges Residents Association (MRRA) (S3) raised concerns in relation to what it described as “*unannounced policy changes*” associated with Amendment C150macr, and in relation to the protection of green wedges. These are outside the scope of the matters before the Panel, and have not been considered.

Submission 6 was received by Council after Council had considered the five submissions received within the prescribed notice period. Council accepted the late submission and referred it to the Panel.

The Proponents queried whether Submission 6 was properly before the Panel, given it had not been considered at Council's 12 June 2024 meeting. Council submitted that while it had not been considered formally by Council, it has been considered by Council officers who had delegated authority to consider the submission and refer it to the Panel.

The issue is largely moot. Submission 6 does not object to the Amendment or draft permit, or seek any changes. It raises issues that relate to existing drainage and traffic conditions in Johnson Street. It does not raise any concerns in relation to the proposed development, or suggest that the proposed development may exacerbate the existing issues in Johnson Street. Accordingly, the submission is not relevant to the matters before the Panel and has not been considered further.

1.6 The Panel's approach

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from its site visit, and submissions, evidence and other material presented to it during the Hearing. All material has been considered even though not all material is specifically referred to in this Report.

This Report deals with the issues under the following headings:

- General strategic issues
- Residential land supply
- Agriculture
- Other issues
- The planning permit.

2 General strategic issues

2.1 Planning context

This chapter identifies the relevant planning context. Appendix A summarises the key directions of the relevant provisions and policies.

Table 2 Planning context

	Relevant references
Victorian planning objectives	Section 4 of the PE Act
Municipal Planning Strategy	Clause 2.03-1 (Settlement)
Planning Policy Framework	Clause 11 (Settlement), in particular: <ul style="list-style-type: none"> - Clause 11.01-1L (Malmsbury) - Clause 11.02-1S (Supply of Urban Land) - Clause 11.03-5S (Distinctive Areas and Landscapes)
	Clause 12 (Environmental and Landscape Values), in particular: <ul style="list-style-type: none"> - Clause 12.05-1S (Landscapes) - Clause 12.05-2L (Landscapes – Macedon Ranges)
	Clause 13 (Environmental Risks and Amenity), in particular: <ul style="list-style-type: none"> - Clause 13.02-1S (Bushfire planning)
	Clause 14 (Natural Resource Management), in particular: <ul style="list-style-type: none"> - Clause 14.01-1S (Agriculture) - Clause 14.01-1L (Protection of agricultural land – Macedon Ranges)
	Clause 15 (Built environment and Heritage), in particular: <ul style="list-style-type: none"> - Clause 15.01-5L (Neighbourhood character – Macedon Ranges township) - Clause 15.03-1S (Heritage conservation)
	Clause 16 (Housing), in particular: <ul style="list-style-type: none"> - Clause 16.01-1S (Housing supply)
Other planning strategies and policies	<ul style="list-style-type: none"> - Victoria's Housing Statement 2024-2034 - Macedon Ranges Statement of Planning Policy 2019 - Loddon Malley South Regional Growth Plan - Macedon Ranges Settlement Strategy 2011 (the Settlement Strategy) - Macedon Ranges Small Towns Study 2006 (the Small Towns Study) - Malmsbury Urban Design Framework 2003 - Kyneton Heritage Study 1990
Planning scheme provisions	<ul style="list-style-type: none"> - Farming Zone - Neighbourhood Residential Zone - Heritage Overlay
Ministerial directions	Ministerial Direction 11 (Strategic Assessment of Amendments)

	Relevant references
Planning practice notes	<p>Planning Practice Note 1 – Applying the Heritage Overlay</p> <p>Planning Practice Note 43 – Understanding neighbourhood character</p> <p>Planning Practice Note 46 – Strategic Assessment Guidelines</p> <p>Planning Practice Note 91 – Using the Residential Zones</p>

2.2 Strategic justification

(i) Evidence and submissions

Council provided a balanced and comprehensive analysis of the Amendment's consistency with planning policy in its Part A submission. The more pertinent points are summarised below.

Housing and settlement policy

Council submitted the Amendment responds to housing and settlement policy in:

- Clause 11.01-1L (Malmsbury) by:
 - managing growth within the township boundary of Malmsbury
 - protecting and enhancing Malmsbury's identified values and attributes through the NRZ13, which will ensure any development of the site is appropriate to its location at the periphery of Malmsbury
- Clause 16.01-1S (Housing supply) by facilitating residential development within the township boundary and providing development-ready housing opportunities for Malmsbury.

Council noted the Amendment proposes to facilitate a supply of residential lots that will be connected to reticulated sewer services, which is appropriate given the town's location within a special water catchment area. It submitted:

Council acknowledges that there is already residential zoned land in Malmsbury, but the ability to connect the nine lots to services in this instance differs from some existing lots, where service connections are not immediately available and potentially cost-prohibitive for individual lots to achieve.

Council submitted the Amendment:

- responds to the vision and objectives contained in the Settlement Strategy by supporting additional regional residential development within the township boundary with connections to appropriate infrastructure
- respects Malmsbury's role within the settlement hierarchy as a small town (between 500 and 2,000 people)
- is consistent with the overall vision for Malsbury in the Small Towns Study by providing for residential development that:
 - does not adversely impact the environmental or cultural heritage assets of the town
 - respects the broader rural landscape and character of the area.

Agricultural land

Council submitted:

Council seeks to protect its agricultural land from inappropriate development. This includes avoiding residential development pressures on agricultural land by containing residential development within town boundaries.

It submitted the Amendment supports Clauses 14.01-1S and 14.01-1L as:

- the land is within the township boundary, and has been since 2000
- the land is developed with a single dwelling and has limited agricultural opportunities due to its location, size and shape
- given the size and location of the land and the surrounding residential uses, there is limited to no opportunity for land consolidation for agricultural purposes
- the change in use will not impact nearby productive agricultural uses given the setbacks required under the NRZ13 and the adjoining residential land uses.

Whether the site is suitable for agricultural use is addressed in detail in Chapter 4.

Special characteristics and values of the Macedon Ranges and Malmsbury

Council submitted the Amendment responds to policy that seeks to protect the special characteristics and values of the area in:

- Objective 8 in the Statement of Planning Policy, as it facilitates development within the township boundary that respects the township's character, surrounding rural landscapes and defined settlement hierarchy
- Clause 11.03-5S (Distinctive Areas and Landscapes) through the NRZ13, which recognises the importance of the Shire's distinctive areas and landscapes and protecting valued attributes in the locality through setbacks, site coverage and landscaping requirements (among others)
- Clause 12.05-1S (Landscapes), by seeking to provide a development opportunity within an existing settlement and away from areas with identified landscape values
- Clause 12.05-2L (Landscapes – Macedon Ranges), by avoiding adverse development outcomes along roadsides and near prominent landscape features, and avoiding impacts on vegetation
- Clause 15.01-5L (Neighbourhood character – Macedon Ranges township), by providing for larger lots on the periphery of the township which will include generous setbacks, provision of canopy trees and space for landscaping
- Clause 15.03-1S (Heritage conservation), by providing for residential development that does not impact on any identified natural heritage, cultural heritage or heritage places (heritage is discussed in more detail in Chapter 5.1)
- the Malmsbury Urban Design Framework by providing a continuation of the exotic street tree avenue plantings in the adjacent precinct.

Bushfire planning

Council submitted the Amendment supports Clause 13.02-1S (Bushfire planning) by ensuring an appropriate design response to the surrounding risk and hazards, including the requirement (under the proposed permit conditions) for a section 173 Agreement that requires defensible space to be provided and maintained around future dwellings. Council noted the Country Fire Authority supports the Amendment.

Other perspectives

Some submitters felt the Amendment was not orderly planning, and was an 'ad hoc' change to the planning controls prompted by a request from the landowner rather than a proper comprehensive strategic planning exercise. Others considered that the rezoning was contrary to policies that seek to protect agricultural land. One submission raised concerns about community cohesion and quality of life.

MRRA submitted the Amendment is:

- contrary to settlement policy and strategy including the Settlement Strategy, the Small Towns Study and the Malmsbury Urban Design Framework
- contrary to policies for the protection of agricultural land
- contrary to policies that seek to protect the highly valued rural landscapes and special character of the Shire and its small towns.

It did not clearly articulate what it was about the Amendment or the proposed permit application that offended these policies, other than general statements to the effect that it is contrary to policy to rezone Farming Zoned land. This issue is addressed in more detail in Chapter 4.

The Proponents adopted Council's submissions on the strategic justification for the Amendment, and further submitted:

- the Amendment reduces pressure for approval of dwellings outside the township, on rural land that may be used for agriculture, or that may be subject to other values, sensitivities or risks
- there is a plethora of policy support for consolidation of residential uses within existing and planned urban areas, rather than succumbing to pressure for dwellings (and residential subdivisions) in rural areas.

(ii) Discussion

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme. It considers the Amendment has a sound strategic basis, and achieves an appropriate balance of the competing policy objectives, including facilitating housing in appropriate locations, respecting the Shire's settlement hierarchy, protecting high value agricultural land, and protecting the special and valued characteristics of the Shire.

Clause 11.02-1S seeks to encourage a 15-year supply of residential land, and Clause 16.01-1S seeks to encourage a supply of appropriate housing in appropriate locations, including within township boundaries in rural and regional areas. Clause 2.03-1 outlines a hierarchy of settlements in the Macedon Ranges which seek to accommodate forecast growth in the Shire. Malmsbury is identified as a small town, and is described as:

... a local service centre for township residents and community in the surrounding agricultural area with a rural village character. Given the level of existing services and infrastructure, as well as the low historical demand, Malmsbury is expected to retain its role as a small town. There is sufficient land available in Malmsbury to accommodate limited growth within the township boundary and surrounding area.

Clause 2.03-1 expressly supports limited infill development in smaller settlements and within township boundaries, provided they retain their existing role, size, services and character.

The assertion that the Amendment constitutes an 'ad hoc' rezoning has no basis. The site has been located within the township boundary since 2000. For 24 years, the policy framework has envisaged an urban future for this land. As the Proponents put it, it is not a question of 'if' this land should be rezoned for urban purposes, but rather 'when'. The strategic work supporting the future redevelopment of the site for urban purposes was undertaken some time ago, is reflected in the Settlement Strategy and has been consistently reflected in the Planning Scheme since 2000. The policy framework has long contemplated an urban future for the site – there is nothing 'ad hoc' about this Amendment.

MRRA provided a detailed chronology of the township boundary (Document 11), which indicated that:

- the township did not have a boundary before the introduction of the New Format Planning Scheme in 2000

- while a township boundary was introduced in 2000 (and the site was within the township boundary), the site was:
 - not shown within the study area for Malmsbury in the Settlement Strategy
 - remained in the Farming Zone through Amendment C84 (the Rural Land Strategy, approved in 2006) and Amendment C150 (the policy neutral transition of the Planning Scheme's policy framework, approved in August 2023).

This chronology is of limited (if any) relevance to the matters before the Panel. The Amendment needs to be assessed against the current policy framework – not against historic background documents or past decisions about rezoning (or not rezoning) Farming Zone land within the township boundary.

In any event, the Amendment is consistent with the Settlement Strategy and the Small Towns Study, for the reasons set out above. The fact that the site sits outside the study area identified in the Settlement Strategy is of no significance. The site is within the township boundary as shown in the Settlement Strategy and (more to the point) the Framework Plan currently contained in Clause 11.01-1L of the Planning Scheme.

While the policy framework directs the bulk of the Shire's growth to the larger towns, this does not mean no growth should be expected in the Shire's small towns. This modest increase in the supply of residential land is entirely consistent with settlement policy in the Planning Scheme, and Malmsbury's role in the settlement hierarchy as a small town with a population of up to 2,000 people.

The Amendment will facilitate a supply of residential land within Malmsbury that is well located close to services and transport links, and able to be connected to reticulated services. By providing for larger scale residential lots at the township's eastern periphery, it is a logical extension of existing development, and provides an appropriate transition:

- from the standard density residential lots west of Wills Street to the lower density rural residential development envisaged to the south (within the township boundary)
- from the township to the agricultural land to the east (located outside the township boundary).

The policy framework emphasises the need to protect the Shire's distinctive areas and landscapes and valued attributes. The Panel is satisfied the Amendment achieves this by directing growth to within a defined township boundary, which will relieve pressure on inappropriate residential development on rural land between the townships. By providing for larger sized lots at the periphery of the township, the Amendment respects the character of Malmsbury and provides an appropriate transition to the rural area to the east of the town.

The assertion that the Amendment will erode community cohesion and quality of life is without foundation. This modest increase in residential land supply will provide an opportunity for more residents to settle in the town, supporting the town's community facilities and services. If, on the other hand, the Shire's small towns are 'locked down' with no opportunity for growth and change as some submitters seem to suggest, there is a significant risk that these small towns will stagnate or slowly die.

There are other strategic considerations that need to be taken into account in assessing the Amendment:

- policies about residential land supply
- policies that seek to protect agricultural land
- policies that seek to protect the heritage and neighbourhood character of the Shire's townships.

For the reasons set out in Chapters 3, 4, 5.1 and 5.2, the Panel finds that the Amendment is consistent with those policies.

2.3 Conclusions and recommendation

For the reasons set out in this report, the Panel concludes that the Amendment is well founded and strategically justified, and should be supported. It is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes.

The Panel recommends:

Adopt Amendment C154macr to the Macedon Ranges Planning Scheme as exhibited, subject to the specific recommendations in this Report.

3 Residential land supply

3.1 The issue

The issue is whether the Amendment and permit application are consistent with policy in relation to residential land supply.

3.2 Evidence and submissions

Some submitters sought to rely heavily on the fact that the Settlement Strategy and Small Towns Study indicate rezoning land for residential purposes is not required to meet the future housing needs of Malmsbury (at least to 2036, which is the timeframe of the Settlement Strategy). They said this meant the Amendment was not strategically justified.

Council acknowledged this, but submitted that the review and supply of land is an ongoing task, not a 'set and forget' task. Council noted the Settlement Strategy is now 13 years old, and Malmsbury has grown since that time consistent with its identified role as a small town.

Council noted that Clause 11.02-1S encourages planning authorities to maintain *at least* a 15-year supply of urban land within each municipality. While other towns within the municipality will provide a healthy supply of residential land, that does not preclude ensuring Malmsbury has an appropriate supply in line with demand. Relying on supply and demand assessments prepared for the Proponents by Ethos Urban (Documents 5 and 6(c)), Council submitted:

Previous forecasts contained within the Settlement Strategy 2011 are considered inadequate to current demand [and] without additional residential supply, Malmsbury will not have sufficient residential zoned land by 2036. The Amendment provides a small increase to the land supply and [is] therefore not at odds with existing policy.

The Proponents submitted land supply and demand is the key consideration informing when rezoning within the township boundary is appropriate. Relying on the residential land supply evidence of Mr McNeill, they submitted there is sufficient demand for residential land to justify the rezoning at this time.

According to Mr McNeill's evidence, the Victorian Government's Urban Development Program (2022 Report) considered land supply at a municipal level, and estimated a then current supply of residential land across the municipality of between 9 and 14 years.

Mr McNeill undertook a more fine-grained analysis of the likely demand for future dwellings in Malmsbury, against the theoretical and practical supply of residential land in the town. He concluded that the supply of an additional nine residential lots within the township boundary as proposed by the Amendment is consistent with land supply policy.

Mr McNeill estimated a demand for between 6 and 11 new dwellings in Malmsbury each year, based on:

- the "*relatively strong*" recent population growth in Malmsbury (2.3 to 2.7 percent per year since 2016)
- the "*relatively conservative*" population growth in Malmsbury forecast by id. forecast (1.1 percent growth in to 2036)
- vacant lot sales and dwelling construction trends from 2015 to date.

He analysed the theoretical supply of vacant lots in Malmsbury based on aerial imagery. He counted 282 vacant lots, 187 of which are within the township boundary.¹ He emphasised that this represents a very much theoretical supply, and many of these lots are unlikely to come to market. Many are not currently accessible by road, and many will not have a willing vendor. Mr McNeill concluded:

Accordingly, the theoretical supply is not representative of the practical supply which is almost impossible to estimate.

Mr McNeill noted that as of July 2024, only 12 vacant residential lots are for sale in Malmsbury, leading him to conclude that given the ongoing demand of between 6 and 11 lots per year, Malmsbury *“can be described as a relatively constrained market at present”*.

MRRA submitted the Settlement Strategy found that the effective supply of residential land in Malmsbury was sufficient to accommodate 1,200 persons to 2036 (against a projected population of 900) without any rezoning of land within the township. It submitted Clause 11.02-1S requires an assessment of land supply on a municipal basis, not a town-by-town basis. When assessed on a municipal basis, Macedon Ranges has considerable available or proposed land supply. MRRA pointed to recent strategic planning work for other Macedon Ranges townships which demonstrated a significant supply of residential land across the municipality.

3.3 Discussion

As discussed in Chapter 2, the policy framework strongly supports a residential use for the site given its location within the township boundary. If the land is otherwise suitable for residential use, that should be the end of the matter. Contrary to MRRA’s submission, it is not necessary to demonstrate an undersupply of residential land in either Malmsbury or in the municipality more broadly to justify rezoning land within a township boundary for residential purposes.

That said, the Panel is satisfied on the basis of Mr McNeill’s evidence that there is a demand for residential land in Malmsbury, and that the current practical supply of land is relatively constrained.

The Panel asked Mr McNeill how his analysis should be considered in the context of the Settlement Strategy’s assessment that there is more than sufficient residential land to accommodate the town’s projected growth to 2036. He responded that the Settlement Strategy is outdated, and the supply analysis in the Strategy was very much theoretical and did not consider practical constraints on supply. Council also noted that the Strategy is now 13 years old, and its forecasts of supply are inadequate to meet current and future demand.

The evidence does not definitively demonstrate *how* constrained the market in Malmsbury is. Nor does it demonstrate that there is insufficient land in Malmsbury to meet likely future demand, to 15 years or beyond. However, that is not necessary to justify the Amendment. The policy framework requires Council to maintain *at least* a 15-year supply. It does not prevent or discourage a greater supply being maintained.

The Panel is mindful that Clause 11.02-1S requires an assessment of land supply on a municipal basis, not a town by town basis. According to Mr McNeill’s evidence the Urban Development Program 2022 Report estimates residential land supply in the municipality of between 9 and 14 years, suggesting more supply may be needed to achieve the target of at least a 15-year supply.

¹ The other 95 vacant lots are within the low density residential areas to the north and west of the township, shown by the dashed red line in Figure 2.

Even if the Urban Development Program 2022 Report is inaccurate (or outdated), and the municipality has a 15-year supply of residential land (for example, because supply was increased by the more recent strategic work referred to in the MRRA submission), this would not mean the Amendment is unjustified. To suggest otherwise is a misunderstanding of the policy directions in Clause 11.02-1S.

3.4 Conclusions

The Panel concludes:

- The Amendment and permit application do not need to be justified on the basis of an inadequate or constrained supply of residential land in either Malmsbury or the municipality more broadly.
- That said, the Panel is satisfied on the basis of the evidence that Malmsbury is a relatively constrained market, and there is demand for more residentially zoned land to accommodate future growth projections.

4 Agriculture

4.1 The issue

The issue is whether the Amendment and permit application are consistent with policy in relation to the protection of agricultural land.

4.2 Evidence and submissions

Several submissions raised concerns for the loss of agricultural land and how this would adversely impact on the agricultural character of Malmsbury and its surrounds. MRRA submitted the Amendment is not consistent with protecting agricultural land within 100 kilometres of Melbourne's CBD.

Council submitted the Amendment is consistent with the objectives and strategies in Clause 14.01-1S (Agriculture) and Clause 14.01-1L (Protection of agricultural land – Macedon Ranges) by directing residential development to locations within township boundaries, relieving pressure on dwellings in agricultural areas. It noted:

- the site currently has a rural residential function, making it unlikely the land will be repurposed for agricultural use
- adjoining land to the north (zoned Farming Zone), west (zoned General Residential Zone) and south (zoned Rural Living Zone) is zoned and/or used for residential purposes, so the capacity for any land consolidation for agricultural purposes is highly unlikely given the cost for rural residential land close to services
- agriculture uses in the surrounds of Malmsbury generally include dryland cropping, animal husbandry, horse husbandry or hobby farm purposes, which could not take place on a parcel the size of the subject land
- the capital improvement costs required to facilitate a higher intensity agricultural use are likely prohibitive.

Council submitted the rural character of the area will be maintained through:

- the continued application of the Farming Zone off Chisholm Avenue (to the northeast of the site) and the Rural Living Zone off Lauriston Street (to the south of the site)
- the setback of the site from main transport links and key view corridors
- the landscaping, setback and fencing requirements under the NRZ13.

The Proponents submitted the Amendment and permit application are not inconsistent with policies that seek to protect agricultural land:

The Land is not used for agriculture, has not been used for agriculture for many years, and it is most unlikely to be used for productive agriculture in future (regardless of the fate of the Amendment)...

While the Proponents acknowledge various planning policies and objectives in favour of protecting agricultural land for agricultural purposes, it would be simplistic and misguided to suggest that those policies militate against the Amendment, given the nature and location of the Land.

Mr Dillon gave agricultural evidence for the Proponents. He assessed the suitability of the site for agricultural use, based on:

- current and historic site conditions and land uses of the site and surrounding areas
- soil characteristics (including laboratory testing of soil samples)
- requirements for viable agricultural production.

He concluded the site has low agricultural utility and is not suitable for agricultural production because of a range of factors, including:

- unfavourable physical and chemical characteristics of the soil
- the limited size, awkward shapes and location of those parts of the site with better quality spoils that have the potential to support agricultural production
- incompatible neighbouring land zoning and use (largely residential).

In terms of soil characteristics, much of the soil on the site has low pH levels and low soil nutrition. Large areas of the site have reactive clay soils or large proportions of rock in the soil. Some areas are poorly drained due to soil profile and topography. Those areas on the site that are suitable for agricultural production in terms of soil characteristics are small and not contiguous, and not sufficiently sized to support viable agricultural production.

Other factors include:

- a lack of onsite access to water
- poor quality vegetation on the site that is unsuitable for even low intensity stock grazing
- a lack of suitable infrastructure such as access, fencing and infrastructure for stock shelter and handling
- the size of the land does not allow for the economies of scale needed for viable agricultural production.

Mr Dillon pointed out that if the current use of the site is maintained, or if it is converted to agricultural use (which would not be viable in the long term), there is a risk of increased adverse environmental and amenity effects in the surrounding area due to feral animals, weeds and bushfire risk.

He concluded that the site has no real prospect of making a significant contribution from agricultural production to the local, regional or state economy, and the proposed change in land use (to a more intensive residential use compared to the current single residence) would not adversely impact the agricultural productivity of the surrounding region.

4.3 Discussion

Policy for the protection of agricultural land is directed at identifying and protecting high value productive agricultural land that contributes to rural and regional economies. Just because a particular parcel of land is in the Farming Zone does not mean it attracts the protection of these policies.

The Panel is satisfied on the basis of Mr Dillon's evidence that there is no prospect that this land has any capacity to contribute to the productive agricultural land in the Malmsbury area, or make any significant economic contribution from agricultural use. It is not agricultural land which Clause 14 seeks to protect. Rezoning the land for residential development is in no way inconsistent with policy that seeks to protect agricultural land.

If the site ever was high value agricultural land, it is no longer. Quite apart from the condition of the soils on the land, the size of the land and its surrounding land uses and zoning make it unsuitable for agricultural use. This is reflected in the policy settings for the land (and has been for over two decades).

It is unfortunate that the Proponents felt compelled to obtain evidence to answer submissions that lack any strategic merit, and to support what is obvious from the long standing policy settings for the land – that this land is destined for redevelopment for urban purposes.

4.4 Conclusion

The Panel concludes:

- The Amendment and permit application are not inconsistent with policy for the protection of agricultural land.

5 Other issues

5.1 Heritage

(i) The issue

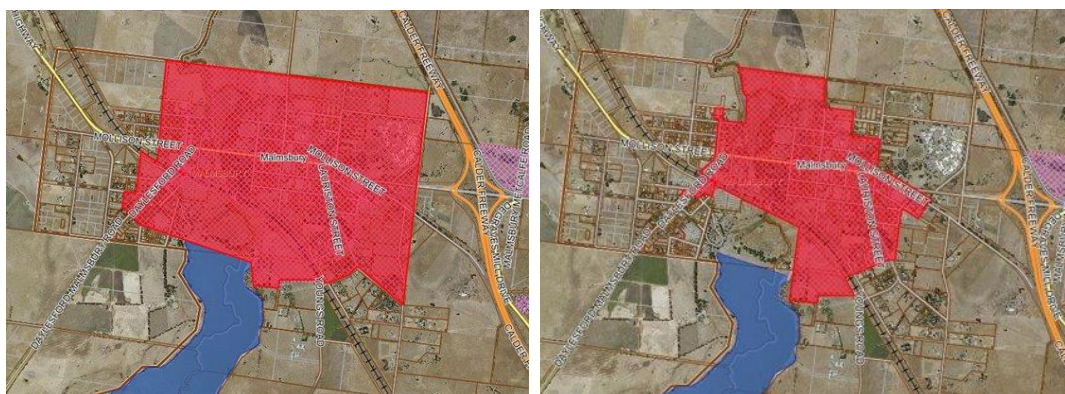
The issue is whether the removal of the Heritage Overlay would unacceptably impact the heritage values of the Malmsbury Precinct (HO148).

(ii) Background

Council explained that the extent of HO148 is based on the 'Malmsbury Conservation Area' as identified in the *Shire of Kyneton Conservation (Heritage) Study 1990* (Heritage Study), shown in the left hand image in Figure 5. The Panel understands a Heritage Overlay applied to this extent under the old Kyneton and Newham Planning Scheme, before the New Format Planning Scheme was introduced in 2000.

Council submitted the intent when preparing the New Format Planning Scheme was to apply the Heritage Overlay to a reduced extent, shown in the right hand image in Figure 5. The reduced extent excludes the site. Notwithstanding the intent, the New Format Planning Scheme applied the HO148 to the original extent of the Malmsbury Conservation Area, not the reduced extent.

Figure 5 Extent of HO148 in the Heritage Study compared to the New Format Planning Scheme working documents



Source: Document 9

According to MRRA, the Panel and Advisory Committee considering the New Format Planning Scheme recommended that:

- before adoption, heritage sites that were not previously subject to heritage controls ('newly identified heritage sites') be excluded from the overlay unless the owner consented to inclusion
- after adoption, newly identified heritage sites where consent was not obtained be included in the overlay in the first amendment after the New Format Planning Scheme was adopted.

The Panel has given this history little weight. Whether the current extent of HO148 was intended, or whether it was a 'mistake', is immaterial. What is relevant is the extent of the HO148 precinct as reflected in the current Planning Scheme. That includes the site.

(iii) Evidence and submissions

Council submitted it was appropriate to remove the Heritage Overlay from the site. It submitted the Heritage Study did not identify the site as having any particular heritage significance of its own, and a recent assessment undertaken by Council's heritage planner in accordance with Planning Practice Note 1 – Applying the Heritage Overlay (PPN01) concluded there is little or no visible heritage in the streetscape or immediate area of the site that would meet current requirements for heritage protection.

Council acknowledged that heritage assets protected by HO148, such as street tree plantings, have contributed to defining the broader character of Malmsbury. However, the broad extent of HO148 (which includes several areas that have no heritage value) means the overlay acts more as a character control rather than a tool for protecting heritage. Council submitted this is not consistent with current planning practice.

Further, Council submitted:

- the NRZ13 provides a continuation of the 'character intent' of HO148
- any future development on the site in line with the requirements of the NRZ13 and permit conditions would not impact the heritage significance of those parts of the township covered by HO148 that have heritage value (noting these are some distance from the site)
- the removal of HO148 will streamline the planning process by avoiding unnecessary regulatory burden associated with triggering a permit where it is not justified.

The Proponents submitted there is nothing on the site which makes any contribution to the town's character or heritage, evident from an inspection of the site and confirmed by an assessment of the site undertaken by heritage architect Mr Jim Gard'ner of GJM Heritage (Document 7(d)). Mr Gard'ner's opinion concluded:

Having inspected the subject land and the surrounding area and reviewed the history of the site and Malmsbury more broadly, it is my opinion that the property known as 1 Wills Street does not demonstrate historic heritage values at the local level and therefore does not warrant inclusion on the Schedule to the Heritage Overlay.

None of the heritage values of HO148 – Malmsbury Precinct are, in my opinion, evident on the subject land and this property does not make a meaningful contribution to the Heritage Overlay precinct. My historical research and on-site investigations did not identify any other elements on the subject land that may have historic heritage values.

MRRRA submitted there is strong support in strategic documents for the enhancement and protection of rural landscapes within the town and its eastern town gateway. It submitted removing the overlay from the site would create a gap in the HO148, and would set a precedent for its reduction or removal from other sites. It submitted strategic studies are needed to remove the overlay, and this work has not been done.

(iv) Discussion

The Panel accepts that:

- heritage assessments have been undertaken of the site in accordance with PPN01 both by Council's heritage planner (Appendix A to Document 6) and by Mr Gard'ner (Document 7(d))
- on the basis of those assessments, the site has no intrinsic heritage value of its own, and is unlikely to contribute to the heritage significance of the Malmsbury Precinct
- the site is located some distance from the nearest places of heritage value within the Precinct
- development on the site is highly unlikely to impact on the heritage values of the Precinct.

On that basis, the Panel is satisfied there is no heritage reason not to support the proposed redevelopment of the site. Further, there may be no reason to support the continued application of the Heritage Overlay to the site.

However, the Panel does not support the removal of the Heritage Overlay from the site as part of this Amendment. It would leave an awkward gap in the Precinct, and it does not represent orderly planning to remove or 'punch holes' in the overlay on a piecemeal basis as redevelopment proposals are put forward. Any refinements to HO148 should be undertaken on the basis of a more thorough and comprehensive review of the whole precinct.

(v) Conclusions and recommendations

The Panel concludes:

- The proposed redevelopment poses no threat to the heritage values of the Malmsbury Precinct, and there are no heritage grounds on which the Permit Application should not be supported.
- It does not represent orderly planning to remove the site from the Heritage Overlay as part of this Amendment. A more comprehensive assessment of the whole Precinct is required before adjustments are to be made to HO148.

The Panel recommends:

Retain the Heritage Overlay on the site.

5.2 Neighbourhood character and setbacks

(i) The issues

The issues are:

- whether the Amendment and the proposed development are consistent with policy that seeks to protect and respect the neighbourhood character of the area
- whether the setbacks required under condition 1(b) of the draft permit are justified.

(ii) Background

The Proponents oppose condition 1(b) of the draft permit, which requires certain setbacks to be provided. The condition requires the application plan to be amended to provide building envelopes for each lot that include:

- (b)(i) A minimum street setback of 12 metres from any street that a lot abuts to the front, side or rear.
- (b)(ii) A minimum side and rear setback of 5 metres to any adjoining lots.
- (b)(iii) Variable front setbacks of between 12 and 15 metres for each lot to avoid a continuous building line.

The application plan is extracted in Figure 4 in Chapter 1.3 with the exhibited setbacks identified by dashed lines in orange.

(iii) Evidence and submissions

Neighbourhood character policy

Council submitted the character of the surrounding area features larger lots, generous setbacks and prominent street tree plantings. It submitted policy supports larger lots, significant landscaping and generous setbacks, which are reflected in the provisions of the NRZ13 and the draft permit conditions. Further:

- the Malmsbury Urban Design Framework does not identify nearby features that contribute to neighbourhood character except a windrow avenue feature on Lauriston Road to the south
- the site is well set back from this road and would not impact on the windrow
- the Amendment and permit encourage the planting of street trees and trees on private property that will build on the established character of the neighbourhood
- the site is not within any significant view corridors identified in the Urban Design Framework (these are primarily along the Coliban River and Calder Highway), and is well set back from these areas.

MRRRA raised several concerns in relation to the impact on the neighbourhood character of Malmsbury, including:

- the Amendment does not limit future residential development to what it described as *“more typically ‘rural’ single storey development”*
- the Amendment does not address new planning controls which allow for small second dwellings on a lot without a permit, which has potential to *“double the intensity of the proposed development”*
- the NRZ13 Schedule does not include specific requirements for private open space to be provided.

MRRRA’s concerns in relation to broader landscape character are addressed in Chapter 2.

The Proponents essentially adopted Council’s submissions in relation to neighbourhood character issues, except in relation to front setbacks which are discussed below.

Setbacks

Council submitted that condition 1(b) and the NRZ13 *“work together to encourage development that best represents the preferred future character for this area”*. It submitted that relying on NRZ13 alone limits the potential to achieve this character. It submitted:

- the greatest influence on character is the interface between a lot and the surrounding road reserves
- variability in street setback is a consistent feature in existing areas of Malmsbury
- Council is seeking to avoid a repetition of what it described as the *“uniform built form outcomes to the east of Wills Street”*
- it supports a reduced street setback of 12 metres in the NRZ13 (15 metres was originally proposed) only if considered in combination with condition 1(b)(iii) requiring varied front setbacks
- the condition is necessary to provide a more informal street character that respects the characteristics of the township fringe.

The Proponents submitted conditions 1(b)(i) and (ii) are redundant, as the application plan already shows street setbacks of 12 metres and side and rear setbacks of 5 metres. They opposed condition 1(b)(iii) more strongly, submitting it is unwarranted and unreasonable.

The Proponents did not oppose the concept of building envelopes, or the requirement that building envelopes be secured through a section 173 agreement (condition 7 on the draft permit). However, they did oppose more generous front setbacks than those required under the NRZ13. They submitted:

- the NRZ13 represents *“a relatively comprehensive and tailored planning instrument, to guide the form of development of the proposed lots”*

- condition 1(b)(iii) threatens to introduce inconsistency with the NRZ13, which is undesirable and without proper basis
- the setbacks proposed in the NRZ13 are discretionary, and condition 1(b)(iii) effectively introduces more restrictive mandatory setbacks.

The Proponents submitted that any concern about excessive uniformity in appearance is not well founded because:

- the proposed lots would be subdivided and then developed separately by purchasers
- different purchasers will inevitably have different needs and preferences in terms of dwelling style
- those differences will be reflected in the presentation of each dwelling to the street
- the siting of dwellings within the exhibited building envelopes would leave generous space within each envelope for landscaping, which conditions 3 to 6 ensure will be generous and contribute to avoiding uniform development
- given the size of the proposed lots, there is *“no rational basis for concerns as to excessive uniformity of development, from a streetscape perspective”*.

(iv) Discussion

Neighbourhood character policy

Local policy in Clause 15.01-5L outlines an existing and desired character in Malmsbury, and it is important that both the Amendment and the proposed development respect that character. Relevant strategies in Clause 15.01-5L include:

- encouraging landscaping including canopy trees as a feature of all residential development in Malmsbury
- protecting the landscape and built form characteristics and qualities of residential areas in Malmsbury by promoting the theme of a rural village
- ensuring development on the periphery of the town is semi-rural residential with larger lots, significant landscaping and generous setbacks.

The proposal meets these policy objectives. The requirements in the NRZ13 and the proposed permit conditions will ensure a semi-rural residential style development with larger lots, generous setbacks and generous landscaping. Canopy trees will be provided in street plantings and on-site landscaping, consistent with the neighbourhood character sought under Clause 15.01-5L. The NRZ13 contains minimum garden area requirements which, together with the setback and site coverage requirements under the Schedule, will ensure sufficient private open space is provided.

There is no basis for MRRA’s assertion that development must be single storey to achieve a rural character, and no strategic justification for seeking to impose a single storey height limit on the site. No other parts of Malmsbury (including the heritage ‘core’) are subject to such a restriction.

The new provisions that allow small second dwellings cannot be excluded by local planning controls, and any suggestion that small second dwelling should not be allowed would be contrary to state policy. There is no basis to MRRA’s assertion that these provisions will *“double the intensity”* of the development – small second dwellings cannot be more than 65 square metres and (if developed) will take up only a very small proportion of each lot.

Setbacks

The Panel understands Council's concerns to avoid uniform built form along the site's street frontages and ensure a varied setback that is consistent with the character of Malmsbury. It also appreciates that once the subdivision is approved, there will be no further permit applications required under the NRZ13 to construct the dwellings, so the subdivision permit effectively represents Council's only opportunity to control front setbacks.

The Panel does not consider that condition 1(b)(iii) is necessary to achieve a non-uniform presentation of built form to the streets surrounding the site. As the Proponents pointed out, the dwellings will be built by separate purchasers according to their own designs and needs, and the risk of uniform built form along the street frontages is minimal. Even if front setbacks were uniform, they are generous (at 12 metres), with generous separation between dwellings (a minimum of 10 metres). This, combined with the landscaping requirements in conditions 3 to 6, results in a very low risk of the built form outcomes that Council seeks to avoid.

The Panel agrees with the Proponents that conditions 1(b)(i) and (ii) are redundant as the application plan already shows these setbacks.

(v) Conclusion and recommendation

The Panel concludes:

- Condition 1(b) is not required to avoid uniform built form along the site's street frontages and to achieve the desired neighbourhood character for the area.

The Panel recommends:

Delete condition 1(b) from draft Permit PLN/2022/198 as shown in Panel's recommended conditions in Appendix C.

5.3 Stormwater and drainage issues

(i) The issue

The issue is whether the proposed development could result in unacceptable stormwater or drainage impacts.

(ii) Evidence and submissions

Submitter 4 raised concerns that the proposal does not provide enough detail on how stormwater runoff will be managed. The submission alluded to a natural watercourse running across the road reserve (presumably of Walsh Street), and stated that the documents do not address the potential impacts of eight new dwellings and potential outbuildings (presumably on the watercourse).

Council responded that the permit application had been referred to Council's drainage engineers, who were satisfied that the conditions of the draft permit outline sufficient stormwater management requirements. The permit requires engineering plans detailing the stormwater drainage system design to be prepared and submitted to Council's satisfaction before subdivision works start. The system must be designed to provide for runoff from upstream catchments and include any downstream works necessary to manage flows from the subdivision. The development cannot be completed unless the conditions of the permit have been met.

The Proponents adopted Council's submissions in relation to stormwater and drainage issues.

(iii) Discussion

The stormwater and drainage conditions proposed on the draft permit are standard conditions on a subdivision permit, and no information or evidence was brought to the Panel's attention to suggest that the conditions are inappropriate, incapable of being met, or that anything more is required.

For completeness, the Panel notes that an informal depression crosses the site from Walsh Street that appears to act as a drainage line in heavy rain. There is no evidence of a watercourse running through the site or the road reserve of Walsh Street.

(iv) Conclusion

The Panel concludes:

- The proposed development does not raise any concerns in terms of managing stormwater runoff or drainage.

5.4 Traffic**(i) The issue**

The issue is whether the proposed development could result in unacceptable traffic impacts.

(ii) Evidence and submissions

Submission 4 referred to the extension to Walsh Street, and stated the documents do not provide enough detail for the submitter to be comfortable with the proposal as presented. It is not clear what the concerns are in relation to Walsh Street.

The Proponents responded that there is no basis for doubt or concern in relation to the construction of Walsh Street within the existing road reserve, nor its ability to service the proposed lots. The Proponents relied on the reports of O'Brien Traffic supporting the permit application. They tabled a letter from O'Brien Traffic (Document 7(e)) that summarised O'Brien Traffic's earlier conclusions and responded to submissions. The letter concluded:

Overall, it is anticipated that the traffic generated by the proposed development would have negligible impact on the safety and operation of the Ross Street/Mollison Street intersection, the Johnson Street/Mollison Street intersection, Mollison Street and the surrounding road network

Key points made by O'Brien Traffic in response to submissions were:

- While some traffic generated by the proposed development may travel along Johnson Street, due the scale of the proposed development (9 residential lots), it would be unreasonable to expect the applicant to seal Johnson Street (to the extent that was suggested in submissions).
- The current design of the intersection of Johnson Street and Walsh Street is considered appropriate for the traffic volumes expected to use the intersection both currently and post-development.
- To the extent that there are concerns with the existing intersection of Johnson and Walsh Streets:
 - it is Council's responsibility to maintain sight distances at the intersection
 - the level of traffic to be generated by the proposed development does not justify a requirement that the Proponents upgrade the intersection.

(iii) Discussion

Submissions on traffic issues were general in nature and did not identify any clear concerns associated with the proposed development (as opposed to existing conditions), or request any changes to the Amendment or draft permit conditions. The Panel is satisfied that traffic issues have been considered by both Council and the Proponents (through O'Brien Traffic), and no concerns have been identified. There is no traffic reason not to support the proposed development.

(iv) Conclusion

The Panel concludes:

- The proposed development does not raise any concerns in terms of traffic or traffic safety impacts.

5.5 Servicing the land

(i) The issue

The issue is whether the site can be serviced.

(ii) Evidence and submissions

MRRA submitted its main concern is with the provision of reticulated sewerage. It submitted the site's location within a Special Water Supply Catchment "*points to a need for higher certainty on this point than has been provided*". It submitted the application material does not demonstrate guaranteed connection viability or potential costs. It submitted there are difficulties in some parts of Malmsbury with providing sewerage services, and referred to at least two occasions when an approved subdivision in the Shire has not been capable of connecting to sewerage, resulting in effluent being diverted to a pit in the roadside and pumped and shipped out by truck. No details were provided as to where these subdivisions are located, or why they were not able to be connected to reticulated sewerage services.

Submission 4 queried how reticulated services could be delivered to the site due to the presence of a rock reef.

In response, the Proponents submitted there is no basis to doubt the ability to connect the site to all usual reticulated services in the usual ways.

(iii) Discussion

No material was put before the Panel to substantiate the claims from MRRA and Submitter 4 that there may be difficulties connecting to reticulated services. Council's engineers have reviewed the proposed development, and expressed no concerns. The permit application was referred to servicing authorities (including both Coliban Water and Goulburn Murray Water), who have required conditions on the permit in relation to the provision of reticulated water and sewerage services, electricity and telecommunications services to each lot. If the conditions cannot be complied with, the plan of subdivision will not be certified and the development will not be able to proceed.

(iv) Conclusion

The Panel concludes:

- There is nothing before the Panel to suggest that services have not been properly considered, or that there will be any difficulty in connecting the lots to all required utility services including reticulated sewerage.

6 The planning permit

(i) Discussion

Clause 65 of the Planning Scheme states:

Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 65.01 requires the Responsible Authority to consider, as appropriate:

- the Planning Policy Framework
- the purpose of the zone, overlay or other provision
- the orderly planning of the area
- the effect on the amenity of the area
- factors likely to cause or contribute to land degradation, salinity or reduce water quality
- the extent and character of native vegetation, the likelihood of its destruction, and whether it 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.

Other matters to be considered include:

- objections
- comments and decisions of referral authorities
- other matters a Responsible Authority must and may take into account under section 60 of the PE Act, including the Victorian planning objectives and the economic, social and environmental impacts of the proposed use and development
- adopted government policy.

The Panel has had regard to all of the above considerations, and sees no impediment to the grant of the permit. The development is entirely consistent with the policy framework and adopted government policy for the reasons discussed in Chapters 2, 3 and 4. The provision of lots able to be connected to services including reticulated sewerage represents orderly planning. The development will have minimal if any impact on the character or amenity of the area, and no impacts on native vegetation. There is no flood risk associated with the development, and fire risk is addressed by the permit conditions sought by the Country Fire Authority. The objections to the grant of the permit were unsubstantiated and provided no basis for their claims that the development would present risks to the area (including through stormwater or traffic), or would impact the amenity or character of the area. All referral authorities support the grant of the permit, and their conditions have been incorporated into the draft permit.

The Panel has reviewed and rationalised the proposed permit conditions to provide clarity, avoid unnecessary repetition, remove references that are not relevant (for example shared paths), and provide greater consistency with the drafting guidance in Writing Planning Permits (DTP, May 2023). This includes some minor drafting changes to the conditions of Coliban Water and Goulburn Murray Water. As these agencies are determining referral authorities for the permit application, Council may wish to check that the redrafted conditions are acceptable to those agencies before issuing the permit.

(ii) Recommendation

The Panel recommends:

Grant permit application PLN/2022/198 for the subdivision of the land into nine lots subject to the Panel's recommended conditions in Appendix C.

Appendix A Planning context

A:1 Planning policy framework

The Panel has summarised relevant clauses in the Planning Policy Framework below.

Victorian planning objectives

The State policy objectives set out in section 4 of the PE Act include:

- to provide for the fair, orderly, economic, and sustainable use, and development of land (section 4(1)(a))
- to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity (section 4(1)(b))
- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria (section 4(1)(c))
- to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value (section 4(1)(d))
- to facilitate development in accordance with the above objectives (section 4(1)(f))
- to balance the present and future interests of all Victorians (section 4(1)(g)).

Clause 2 (Municipal Planning Strategy)

Malmsbury is identified as a Small Town at Clause 2.03-1 (Settlement) of the Municipal Planning Strategy.

The Strategic Direction for Settlement in Small Towns is to:

... support limited infill development in smaller settlements, but retain their existing role, size, services and character.

Clause 2.03-1 specifically references Malmsbury as:

A local service centre for township residents and community in the surrounding agricultural area with a rural village character. Given the level of existing services and infrastructure, as well as the low historical demand, Malmsbury is expected to retain its role as a small town. There is sufficient land available in Malmsbury to accommodate limited growth within the township boundary and surrounding area.

The strategic direction for Malmsbury is:

Provide for the orderly development of Malmsbury having regard to the constraints of the area.

Clause 11 (Settlement)




Clause 11.01-1R (Settlement - Loddon Mallee South) does not directly reference Malmsbury. It identifies:

- Bendigo is the local regional city that provides services and employment to a hinterland area which includes Malmsbury
- Kyneton has capacity for growth as an employment and services hub that reinforces the network of communities in the region.

Clause 11.01-1L (Malmsbury) includes a Framework Plan for Malmsbury, which is extracted in This does not mean the land should not be rezoned and developed for residential purposes. Strategies in Clause 11.01-1L (Malmsbury) include:

- Restrict development to within the town boundary. Facilitate residential development on the periphery of the town within the township boundary, featuring larger lots, significant landscaping and generous setbacks.

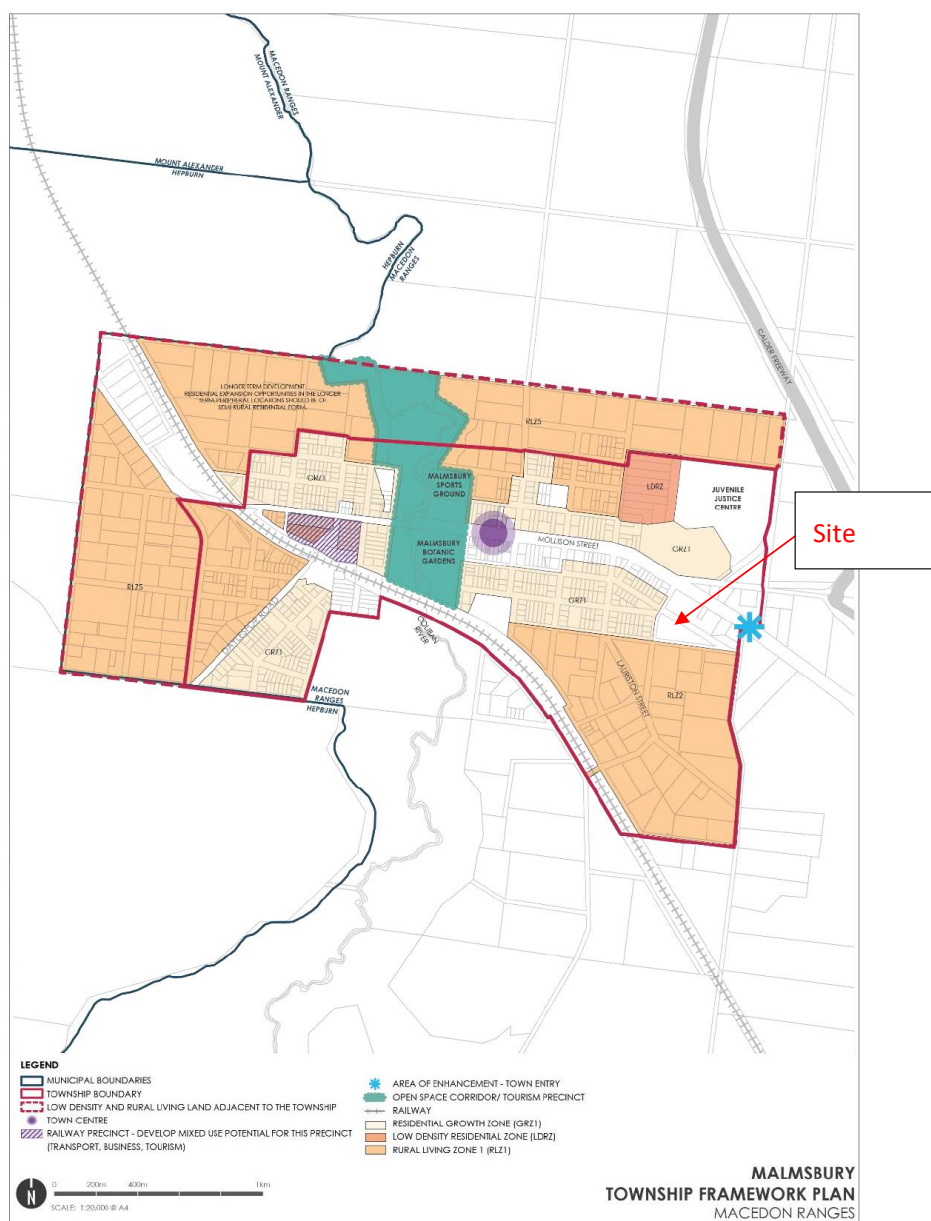
Figure 6The Framework Plan (Figure 6) does not identify a particular land use for the site. It sits outside the areas identified for:

- residential growth 
- low density residential 
- rural living 

This does not mean the land should not be rezoned and developed for residential purposes. Strategies in Clause 11.01-1L (Malmsbury) include:

- Restrict development to within the town boundary. Facilitate residential development on the periphery of the town within the township boundary, featuring larger lots, significant landscaping and generous setbacks.

Figure 6 Malmsbury Framework Plan



Source: Clause 11.01-1L (Malmsbury) of the Planning Scheme with the Panel's annotation

Clause 11.02-1S (Supply of Urban Land) includes as a strategy:

Plan to accommodate projected population growth over at least a 15-year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town by town basis.

Planning policy indicates sufficient land exists within the township boundary and surrounding area to accommodate limited growth.

Clause 11.03-5S (Distinctive Areas and Landscapes) seeks:

To recognise 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.

Clause 12 (Environmental and Landscape Values)

Clause 12.05-2S (Landscapes) seeks to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments. Applicable strategies include:

- Ensure significant landscape areas such as forests, the bays and coastlines are protected.
- Ensure development does not detract from the natural qualities of significant landscape areas.
- Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.
- Recognise the natural landscape for its aesthetic value and as a fully functioning system.
- Ensure important natural features are protected and enhanced.

Clause 12.05-2L (Landscapes – Macedon Ranges) contains a number of strategies seeking to protect the landscape of the Shire, such as:

- Discourage the siting and construction of new buildings close to prominent ridgelines and landscape features.
- Protect the character of visually sensitive areas such as roadsides, rail corridors and watercourses.
- Protect significant exotic and native vegetation as a fundamental component of the Shire's character and landscape.

Clause 13 (Environmental Risks and Amenity)

Clause 13.02-1S (Bushfire planning) applies to any planning decisions relating to land within a designated bushfire prone area (which applies to the land), subject to the Bushfire Management Overlay or proposed to be used or developed in a way that may create a bushfire hazard. It seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that priorities the protection of human life, including:

- directing population growth and development to low risk locations
- reducing vulnerability of communities to bushfire through the consideration of bushfire risk in decision making.

Clause 14 (Natural Resource Management)

Clause 14.01-1S (Agriculture) seeks to protect the State's agricultural base by preserving productive farmland. Strategies include:

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.

- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
 - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
 - Compatibility between the proposed or likely development and the existing use of the surrounding land.
 - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
 - Land capability.
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

Local strategies in Clause 14.01-1L (Protection of agricultural land – Macedon Ranges) include:

- Ensure use and development of agricultural land relates to the ongoing productive use of the land for agricultural purposes.
- Ensure development, including dwellings, relates to agricultural production and is consistent with the capability of the land.
- Discourage the fragmentation of agricultural land that would reduce farm sizes to a point where they are no longer productive.
- Ensure any use of the land for residential activity is secondary or ancillary to the primary agricultural use of the land.
- Locate dwellings or outbuildings on poorer quality land where it will not compromise efficient agricultural use of the land.
- Protect high quality and highly adaptable agricultural land for agricultural use by encouraging land use management that restores fragile soil.

Clause 15 (Built environment and Heritage)

Clause 15.01-5L (Neighbourhood character – Macedon Ranges township) sets out strategies for Malmsbury which include:

- Incorporate landscaping including the provision of canopy trees as a feature of all residential development in Malmsbury.
- Protect the landscape and built form characteristics and qualities of residential areas in Malmsbury by promoting the theme of a rural village.
- Ensure development on the periphery of the town within the township boundary is of a semi-rural residential form with larger lots, significant landscaping and generous setbacks.
- Ensure development adjoining and facing the botanic gardens reflects the garden's heritage characteristics and maintains its prominence in the area.

Clause 15.03-1S (Heritage conservation) seeks to ensure the conservation of places of heritage significance. Strategies include identifying, conserving and enhancing areas and items of heritage significance and ensuring development outcomes respond to and respect heritage assets.

Clause 16 (Housing)

Clause 16.01-1S (Housing supply) seeks to facilitate well-located, integrated and diverse housing that meets community needs. It includes strategies to encourage a supply of appropriate quantity and quality of housing in appropriate locations, including within township boundaries in rural and regional areas.

A:2 Other relevant planning strategies and policies**Victoria's Housing Statement**

Victoria's Housing Statement 2024-2034 is a state government policy that aims to encourage and guide the construction of 800,000 homes in Victoria between 2024 and 2034, to address housing supply and affordability issues.

Amendment VC253 was introduced into the Victoria Planning Provisions and all planning schemes in May 2024, to implement Victoria's Housing Statement by making it easier to build a small second dwelling.

Macedon Ranges Statement of Planning Policy

Under section 46AZC(2) of the PE Act a planning authority must not prepare an amendment to a declared area planning scheme (of which the Macedon Ranges Planning Scheme is one) that is inconsistent with a Statement of Planning Policy for that declared area.

The Macedon Ranges Statement of Planning Policy was gazetted on 12 December 2019.

Objective 8 of the Statement of Planning Policy 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.

Macedon Ranges Council Plan 2021 - 2031

Strategic Objective 1 – Connecting Communities in the Council Plan outlines the strategic priority to:

Integrate land-use planning and revitalise and protect the identity and character of the Shire.

Loddon Mallee South Regional Growth Plan

The Loddon Mallee South Regional Growth Plan provides broad direction for land use and development across the Loddon Mallee South region, as well as more detailed planning frameworks for the key regional centres. The Plan identifies Malmsbury as a township within close proximity to the key regional centre of Bendigo and being located on key rail and freeway networks, but does not provide specific directions for the future growth and development of Malmsbury.

Macedon Ranges Settlement Strategy

The Macedon Ranges Settlement Strategy 2011 is an integrated long-term policy document used to plan and manage the growth and development of the Shire until 2036. It outlines that Malmsbury is expected to remain a small town (defined as having a population between 500 and 2,000 people).

The Strategy recommended that Malmsbury should grow to around 900 people by 2036. It acknowledged there was sufficient land within the existing township to achieve a larger population (around 1,200), but the recommendation of 900 people by 2036 reflected constraints in services and infrastructure and historical low demand.

Macedon Ranges Small Towns Study

The Study, adopted by Council in July 2006, provides future planning policies and structure plans for the ten small towns in Macedon Ranges Shire. The Study is listed as a background document under Clause 72.08 of the Planning Scheme. Recommendations in the Study informed the vision and objectives of the Macedon Ranges Settlement Strategy 2011.

Malmsbury Urban Design Framework

An Urban Design Framework dated March 2003 was prepared for Malmsbury by KLM Gerner and others in anticipation of the proposed freeway bypass. The Urban Design Framework proposed a vision for the town to guide future planning recommendations. The site sits just outside the precincts identified in the Urban Design Framework. It encourages (among other things) exotic street tree avenue plantings in the precinct adjacent to the site.

Kyneton Heritage Study

The Shire of Kyneton Conservation (Heritage) Study was undertaken in 1990 for the former Shire of Kyneton, identifying individual elements, sites and areas of heritage value. The heritage study provided recommendations which formed the basis for Heritage Overlays in the Planning Scheme, including HO148.

A:3 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

Zones

The land is in the Farming Zone, the purposes of which are:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The Amendment proposes to rezone the land to Neighbourhood Residential Zone, the purposes of which are:

- 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.

Overlays

The land is subject to the Heritage Overlay, the purposes of which are:

- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.

- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The land is subject to the Environmental Significant Overlay Schedule 4. The purposes of the Overlay are:

To identify areas where the development of land may be affected by environmental constraints.

To ensure that development is compatible with identified environmental values.

Schedule 4 states:

1.0 Statement of Environmental Significance

...

Development of land in the catchment must:

- Support the long-term protection of the natural resources and environmental systems.
- Encourage the implementation of measures to minimise detrimental impacts on the quality and quantity of water within the catchment while avoiding an increase in bushfire risk.

2.0 Environmental objective to be achieved

To ensure development protects, restores and enhances natural resources and environmental systems and minimises detrimental impacts on the quality and quantity of water in the catchment.

The Environmental Significant Overlay Schedule 4 does not require a permit for the construction of dwellings on the lots once the land has been subdivided.

A:4 Ministerial Directions, Planning Practice Notes and guides

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018. That discussion is not repeated here.

Planning Practice Notes

Relevant Planning Practice Notes include:

- Planning Practice Note 1 – Applying the Heritage Overlay, which provides guidance on applying the Heritage Overlay including the criteria required to meet the threshold of local heritage significance
- Planning Practice Note 43 – Understanding neighbourhood character, which provides guidance on meeting the neighbourhood character objectives and standards when preparing or assessing a planning application
- Planning Practice Note 46 – Strategic Assessment Guidelines
- Planning Practice Note 91 – Using the Residential Zones, which provides guidance on using the residential zones to implement strategic work for housing and neighbourhood character.

Practitioner's Guide

A *Practitioner's Guide to Victorian Planning Schemes Version 1.5*, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victorian Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

Appendix B Document list

No.	Date	Description	Provided by
1	15 Jul 24	Panel Directions and Timetable	Planning Panels Victoria (PPV)
2	16 Jul 24	Plans showing location of the subject land within the Malmsbury town boundary	Council
3	29 Jul 24	Council Part A submission including attachments: <ul style="list-style-type: none"> a. exhibited Amendment documentation b. letter of authorisation with conditions c. additional conditions of Goulburn Murray Water d. submissions received in response to exhibition e. strategic policy documents f. supporting document (not exhibited) 	Council
4	5 Aug 24	Expert report of Cliff Dillon – Agricultural Utility Assessment	Proponents
5	5 Aug 24	Expert report of Chirs McNeill – Residential Land Supply and Demand Assessment	Proponents
6	8 Aug 24	Council Part B submission including attachments: <ul style="list-style-type: none"> a. draft planning permit – final version b. submissions received in response to exhibition (repeat of Document 3(d)) c. Malmsbury Residential Assessment, C McNeill Ethos Urban dated 13 June 2019 	Council
7	8 Aug 24	Proponents' submission including attachments: <ul style="list-style-type: none"> a. Local policy for Malmsbury (Clause 21.13-9 of the Macedon Ranges Planning Scheme) as introduced by Amendment C84 (gazetted version) b. Local policy for Malmsbury (Clause 21.13-9) as introduced by Amendment C84 (exhibited version) c. Panel Report for Amendment C84, 7 April 2014 d. Letter of Jim Gard'ner, GJM Heritage, dated 17 July 2024 e. Letter of O'Brien Traffic, dated 31 July 2024 	Proponents
8	8 Aug 24	Panel presentation	MRRA
9	12 Aug 24	Panel presentation	Council
10	12 Aug 24	Clause 22.02-10 (Malmsbury) of the Macedon Ranges Planning Scheme as at 8 June 2000 (introduction of the New Format Planning Scheme)	Proponents
11	12 Aug 24	Chronology of town boundary	MRRA
12	14 Aug 24	Proponents' response to MRRA chronology of town boundary	Proponents

Appendix C Panel preferred version of the permit

[Track added](#)

~~Track deleted~~

Council to check before granting the permit

Panel note

FORM 9

Section 96J

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

PERMIT NUMBER:	PLN/2022/198
PLANNING SCHEME:	Macedon Ranges Planning Scheme
RESPONSIBLE AUTHORITY:	Macedon Ranges Shire Council
ADDRESS OF THE LAND:	Crown Allotment 1, Section 24A, Parish of Lauriston, 1 Wills Street, Malmsbury
THE PERMIT ALLOWS:	Subdivision of the land into nine (9) lots

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended plans

- 1 Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans ~~to the satisfaction of the responsible authority~~ must be ~~submitted to and~~ 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 be generally in accordance with the plans submitted with the application, but modified to show:
 - a) A typical cross-section of the roads providing access to the lots ~~within the subdivision~~ including driveways and carparking provision.
 - ~~b) An amended building envelope plan for each lot. The building envelope plan must include:~~
 - ~~i A minimum street setback of 12 metres from any street that a lot abuts to the front, side or rear.~~
 - ~~ii A minimum side and rear setback of 5 metres to any adjoining lots.~~

~~iii Variable front setbacks of between 12 and 15 metres for each lot to avoid a continuous building line.~~

- c) All changes required by the Country Fire Authority condition **32**.
- 2 The layout of the subdivision ~~allowed by this permit and shown on the plans endorsed to accompany the permit~~ must not be ~~amended~~ altered from the layout shown on the approved and endorsed plans without the prior written consent of the responsible authority.

Landscape masterplan

- 3 Before the plan of subdivision is certified under the *Subdivision Act 1988*, a digital copy of a landscape masterplan ~~to the satisfaction of the responsible authority~~ must be ~~submitted to and~~ approved and endorsed by the responsible authority. The landscape masterplan must be developed in conjunction with the functional layout plan required under condition 12 and prepared by a suitably qualified and experienced landscape designer. The plan must be drawn to scale and show:
- a) The provision of ~~canopy trees incorporating~~ locally indigenous canopy trees within the lots including a minimum of two (2) trees within front setbacks of each lot and one (1) canopy tree within the secondary street setback for Lots 1, 2, 5, 6 and 7 (all inclusive) to achieve semi-rural residential character.
 - b) The location of all new street tree planting within all road reserves and new upgraded roads/streets associated with the subdivision. A minimum of one tree per lot or every 12 metres, whichever is the lesser, must be provided.
 - c) A street tree species selection that ties in with the existing surrounding character and includes tree species of a size at maturity suitable for the road reserve widths ~~at maturity~~ and a mix of native and exotic species to the satisfaction of the responsible authority.
 - d) The topography and existing features, including contours of the subject land and road reserves.
 - e) The location of any existing trees within the site, ~~the~~ or the adjacent road reserves, ~~adjacent to the proposed road upgrades, and~~ including any trees that overhang the site from adjoining land.
 - f) Details of tree protection zones for all trees to be retained.
 - g) An irrigation system.
 - h) Any trees proposed for removal from the site clearly designated.

Detailed landscape plan

- 4 Before the statement of compliance is issued for the subdivision under the *Subdivision Act 1988*, a digital copy of a detailed landscape plan ~~to the satisfaction of the responsible authority~~ must be ~~submitted to and~~ approved and endorsed by the responsible authority. The detailed landscape plan must be prepared by a suitably qualified and experienced landscape designer, be generally in accordance with the endorsed landscape masterplan and show details of the streetscape plantings. The plan is

to be overlaid on the approved engineering plans [required under condition 13](#) to ensure coordination with services and other infrastructure. ~~When approved, the plan will be endorsed and form part of this permit.~~ The plan must include:

- ~~a) The provision of canopy trees incorporating locally indigenous trees within the lots and including a minimum of two (2) trees within front setbacks of each lot and one (1) canopy tree within the secondary street setback for Lots 1, 2, 5, 6 and 7 (all inclusive) to achieve a semi-rural residential character.~~
- ~~b) The street tree species selection to tie in with the existing surrounding character and be a mix of native and indigenous species to the approval of the responsible authority.~~
- ~~c) Typical cross sections for each street type, dimensioning tree locations and services offsets.~~
- d) A plant schedule for proposed tree species showing minimum supply size of 45 litres and a height of 1.6 metres.
- e) An advanced tree planting detail for proposed tree species showing a minimum of 26 litre Greenwell water saver and three (3) hardwood stakes or Tree Coach® system.
- f) A maintenance schedule and projected costs in addition to the landscape plan.
- g) The following notations:
 - i Tree planting is to occur between April and September to maximise establishment and survival.
 - ii Tree locations shown on the plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and ‘as constructed’ infrastructure.
 - iii Street tree locations are to be set out and approved on the site by the responsible authority before installation.
 - iv It is the responsibility of the contractor to confirm the location of all underground services before any excavation works start.

Landscape completion

- 5 The landscaping works within the road reserve shown on the ~~approved~~ [endorsed](#) landscape plan must be ~~carried out and~~ completed to the satisfaction of the responsible authority before the issue of the statement of compliance under the *Subdivision Act 1988* or any other time agreed in writing by the responsible authority.

Landscape maintenance

- 6 At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.

Section 173 agreement

- 7 Before the plan of subdivision is certified under the *Subdivision Act 1988*, the owner/s of the lots must enter into an agreement with the responsible authority in accordance with section 173 of the *Planning and Environment Act 1987*. The agreement must provide for the following:
- a) All buildings (dwellings, outbuildings) ~~and excluding fences~~ must be located entirely within the building envelopes shown on the endorsed plans forming part of Planning Permit PLN/2022/198. This does not apply to fences.
 - b) The ~~front, side and rear~~ boundaries of each lot must only be fenced with post and wire rural style or similar visually permeable fencing ~~construction~~ to the satisfaction of the responsible authority.
 - c) A minimum ~~of a~~ 3,000 litre rainwater tank must be provided on ~~for~~ each lot with a connection to supply water for toilet flushing and outdoor usage to the satisfaction of the responsible authority.
- 8 Before the statement of compliance is issued under the *Subdivision Act 1988*:
- a) An application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the ~~same~~ Planning and Environment Act 1987.
 - b) The owner/s must pay all costs (including the responsible authority's costs) associated with the preparation, execution, registration and ~~(if later sought)~~ cancellation of the section 173 agreement.

Open space contribution

- 9 Before the statement of compliance is issued for the ~~approved~~ subdivision under the *Subdivision Act 1988*, the owner must pay to the responsible authority a 5 per cent open space contribution in respect to all of the land in the subdivision in accordance with the Schedule to Clause 53.01 of the Macedon Ranges Planning Scheme.

Amenity

- 10 Measures must be undertaken to minimise any loss of amenity to the neighbourhood associated with subdivision works caused by dust, noise, the transport of material to and from the land, and the deposit of mud and debris on public roads and the road reserve adjacent to the subject land, to the satisfaction of the responsible authority.

Mandatory subdivision conditions

Panel note: The substance of condition 11 is captured by condition 12. Renumber conditions

~~11 The owner of the land must enter into an agreement with:~~

- ~~a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and~~

- ~~b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.~~
- 12 Before the statement of compliance ~~for any stage of the subdivision~~ is issued for the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Functional layout plan

Panel note: conditions 13(c) - (e) are captured by conditions 3 and/or 4. Renumber

- 13 Before the plan of subdivision is certified under the *Subdivision Act 1988*, a functional layout plan for the subdivision must be ~~prepared and submitted to the satisfaction of~~ approved and endorsed by the responsible authority. ~~When approved the functional layout plan will be endorsed and will then form part of the permit.~~ The plan must be drawn at a scale of 1:500 and an electronic copy (pdf) must also be provided. The plan must include the following:
- a) A fully dimensioned subdivision layout, including lot areas, lot numbers, open space areas, and widths of street reservations.
 - b) The topography and existing features, including contours of the subject land and any affected adjacent land.
 - ~~c) An identification by survey of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.~~
 - ~~d) Details of tree protection zones for all trees to be retained on the site.~~
 - ~~e) Any trees proposed for removal from the site (including dead trees) clearly designated.~~
 - f) Typical cross-sections for each street ~~type~~, dimensioning individual elements and services offsets.
 - g) Road intersections with interim and/or ultimate treatments.
 - h) A table of offsets for all utility services and street trees.
 - i) The location and alignment of kerbs, and footpaths, ~~and shared paths.~~

- j) The proposed ~~minor~~ drainage network and any land required for maintenance access.
- k) The ~~major~~ drainage system, including the ~~retarding basin and/or~~ piped elements showing preliminary sizing.
- l) Overland flow paths (100-year average occurrence interval) to indicate how excess runoff will safely be conveyed to its destination.
- m) A drainage outfall system (~~both interim and ultimate~~), indicating legal point of discharge and any access requirements for construction and maintenance.
- n) The preliminary location of reserves for electrical kiosks.
- o) Works external to the subdivision, including both interim and ultimate access requirements.
- p) Road splays on all corner lots.

Engineering plans

- 14 Before the subdivision works start, engineering plans must be ~~prepared and submitted to the satisfaction of~~ approved and endorsed by the responsible authority. The engineering plans will not be considered until the functional layout plan and landscape masterplan ~~has~~ have been approved by the responsible authority ~~and the landscape plan has been submitted to the responsible authority~~, the plan of subdivision has been lodged for certification with the responsible authority and the locations of ~~other relevant authority~~ services have been provided to the satisfaction of the responsible authority. The plans must include:
- a) All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure, and a geotechnical investigation report.
 - b) Details of works consistent with the approved functional layout plan, ~~submitted~~ landscape ~~plan~~ masterplan and lodged plan of subdivision.
 - c) Details of any cut and fill earthworks including retaining walls.
 - d) ~~Any traffic management or traffic calming devices.~~
 - e) Driveway links designed to provide one (1) visitor space per lot ~~served~~.
 - f) Underground drains incorporating features to prevent litter, sediments, and oils from entering the drainage system and/or cut-off drains to intercept stormwater runoff from adjoining properties.
 - g) Pavements with kerb and channel, to dimensions generally in accordance with the approved functional layout plan, ~~including traffic management devices~~.
 - h) Underground stormwater drainage to each lot in the subdivision within each lot's own boundaries.
 - i) Water-sensitive urban design measures.
 - j) Maintenance ~~management~~ plan for all water sensitive urban design infrastructure.

- k) Provision for all services and conduits (underground) including alignments and offsets.
 - l) Provision of public street lighting and underground electricity supply within all streets and reserves.
 - m) A new crossover for each lot. Each crossover must be a minimum of 10 metres from any intersection, 1 metre from any power pole, sign or service pit and a minimum of 3 metres from any street tree.
 - ~~n) Vehicle exclusion measures within reserves while maintaining maintenance vehicle access.~~
 - ~~o) Lot boundary fencing adjoining all reserves other than road reserves.~~
 - p) Temporary turnaround areas ~~within the site~~ for waste collection vehicles at the ~~temporary~~ dead end of any road.
 - q) ~~Traffic control measures including~~ street name signs.
 - ~~r) The location of separate signage and line marking identifying the road layout, proposed signs, line marking, raised reflective pavement markers and a sign schedule.~~
 - s) Survey details of the ~~canopy~~ trunk location and size of canopy trees to be retained and associated tree protection zones.
 - t) Permanent survey marks, levelled to the Australian Height Datum and coordinated to the Australian Map Grid.
 - u) Splays at all intersections, to suit the road functions.
- 15 Before the statement of compliance is issued under the *Subdivision Act 1988*, all works shown on the approved engineering plans must be constructed or carried out to the satisfaction of the responsible authority.
- 16 Before any works start, engineering plans detailing the stormwater drainage ~~are to be prepared and submitted to~~ system must be approved and endorsed by the responsible authority ~~for approval~~. The ~~subdivision is to be provided with a~~ drainage system design must meet the following requirements to the satisfaction of the responsible authority ~~that includes:~~
- a) ~~The provision of a~~ A legal point of discharge must be provided for the whole subdivision approved by the responsible authority and any other statutory authority from which approval must be received for the discharge of drainage.
 - b) ~~Stormwater d~~Details of the pipe alignment from the proposed development to the designated outfall must be provided.
 - c) An onsite, underground stormwater detention system must be provided to reduce the post-developed 10 per cent annual exceedance probability discharge to the pre-developed 20 per cent annual exceedance probability discharge.
 - d) Stormwater runoff from all buildings, tanks and paved areas must ~~drain~~ing to a legal point of discharge.

- e) All drainage courses or outfall drainage lines to the legal point of discharge, ~~and which pass through lands other than those within the boundaries of the subdivision the proposed lots must be,~~ constructed at no cost to the responsible authority.
- f) All drainage courses located within lots must be contained within expressed drainage easements.
- g) The flow paths of a 1 per cent annual exceedance probability and the subdivision must be designed such that no private property is inundated.
- h) ~~A-The~~ drainage system must ~~that~~ provides for runoff from the upstream catchments and includes any downstream works necessary to manage flows from the subdivision to meet the requirements of this condition.
- i) ~~A-The~~ design of the drainage system must satisfy ~~that satisfies~~ the objectives of the *Urban Stormwater – Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).

Site management plan

- 17 At least 14 days before works start, a site management plan ~~to the satisfaction of the responsible authority~~ must be ~~submitted to and~~ approved and endorsed by the responsible authority. The plan must contain the following:
- a) Name and contact details of the appointed civil contractor and superintendent.
 - b) An existing condition survey of all existing assets including assets on private properties.
 - c) A construction management plan.
 - d) A traffic management plan.
 - e) An environmental management plan.
 - f) Occupational health & safety and job safety analysis plans.
 - g) A copy of the issued asset protection permit.
 - h) A copy of the approved engineering plans.
- All works must be carried out generally in accordance with measures set out in the above documents approved by the responsible authority.
- 18 Before the statement of compliance is issued under the *Subdivision Act 1988*, land on each lot to be used for a dwelling must be filled and compacted in accordance with Australian Standard AS3798:2007. The results of the soil tests must be submitted to and be to the satisfaction of the responsible authority.
- 19 Before the statement of compliance is issued under the *Subdivision Act 1988*, the following ‘as-constructed’ documentation for road and, drainage ~~and public open space~~ assets must be ~~submitted to and to the satisfaction of~~ approved by the responsible authority:
- a) As-constructed drawings in hardcopy A3 format that include all alterations made during construction.

- b) As-constructed drawings in AutoCAD (2000) and Acrobat pdf formats that include all alterations made during construction.
 - c) Asset information in digital format and in the form of a schedule of quantities.
- 20 ~~No~~ Polluted and/or sediment laden runoff must not ~~is to~~ be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the subdivision works to the satisfaction of the responsible authority.

Construction management plan

- 21 Before ~~the subdivision~~ works starts, a construction management plan must be ~~submitted to the satisfaction of~~ approved and endorsed by the responsible authority. The plan must show:
- a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures.
 - b) Dust control measures.
 - c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction.
 - d) Where access to the site for construction vehicle traffic will occur.
 - e) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.
 - f) The location of any temporary buildings or yards.
 - g) The construction operating hours.
 - h) The name and contact details of the site supervisor.
- 22 Control measures in accordance with the approved ~~site~~ construction management plan must be employed throughout the construction of the works to the satisfaction of the responsible authority. The responsible authority must be kept informed in writing of any departures from the ~~site~~ construction management plan. If in the opinion of the responsible authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the responsible authority. The approved measures must be carried out continually and completed to the satisfaction of the responsible authority.
- 23 Polluted ~~drainage~~ stormwater runoff generated during construction must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the responsible authority. Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.

~~Reticulated sewerage~~

- ~~24 Before the statement of compliance is issued under the Subdivision Act 1988, each lot must be connected to reticulated sewerage to the satisfaction of the responsible authority.~~

Decommissioning the existing septic system

- 25 Before the statement of compliance is issued under the *Subdivision Act 1988*, a licenced plumber must decommission the existing septic tank on the property in a safe manner and remove the effluent absorption trenches. Remediation works must be undertaken to ensure the land is safe to build on.

Referral authority conditions – Coliban Water

- 26 The owner must provide reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided in accordance with ~~Coliban Water~~ the specifications and requirements of the relevant water authority.
- ~~27 Reticulated sewer and water mains extensions must be provided in accordance with Coliban Water's developer installed works process to service the lots within the subdivision.~~
- 28 Water main linkups on Walsh Street and at the intersection of Wills-Urquhart Street must be provided ~~under~~ by the developer ~~installed works process~~ to secure the supply of water to the development.
- 29 All Coliban Water assets within the subdivision, both existing and proposed, must be protected by an easement in favour of the Coliban Region Water Corporation.
- 30 If sewer servicing of each of the lots ~~created~~ is to be by pressure sewer rather than ~~provision of traditional~~ gravity sewer, ~~then new customer contributions for pressure sewer must be provided for each lot connected to the reticulated infrastructure. The contributions are to be provided by the~~ developer must provide customer contributions that funding for the supply, installation, and ongoing maintenance requirements by Coliban Water for the property assets on each lot including tank, pump, and control box. The contributions may be higher for larger lots where additional works are required. The supply and installation must be completed by Coliban Water approved contractors after an application to connect is received.
- 31 Before the ~~issue of a~~ statement of compliance is issued under the *Subdivision Act 1988* for any stage of the subdivision, the owner of the land must make payment to Coliban Water of the new customer contributions.

Referral authority conditions – Goulburn - Murray Water

Panel note: The GMW conditions have been relocated to sit with the Coliban Water conditions. Changes to text have been tracked

- 32 Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- 33 All works within the subdivision must be done in accordance with EPA Publication 1834 Civil Construction-, Building and Demolition Guide (November 2020).
- ~~34 Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.~~

- 35 ~~Prior to~~ Before the Statement of Compliance ~~being~~ is issued under the *Subdivision Act 1988*, the existing dwelling on proposed Lot 3 must be connected to the reticulated sewerage system and any existing onsite wastewater systems must be decommissioned in accordance with condition 25 to the satisfaction of council's Environmental Health Department.
- 36 All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. ~~All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.~~

Referral authority conditions – Country Fire Authority

- 37 Before the plan of subdivision is certified under the *Subdivision Act 1988*, the plan must be amended to show:
- a) The identification of 19 metre setbacks at all aspects for the purposes of defensible space, to ensure future development is exposed to radiant heat exposure of no greater than 12.5 kilowatts per square metre.
 - b) The location of building envelopes on all lots that require vegetation to be managed for the purposes of defensible space.
- 38 Before the statement of compliance is issued under the *Subdivision Act 1988*, the owner must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987*. The agreement must show the vegetation contained within the areas identified as defensible space in condition ~~32a)~~ 37(a), which are to be managed as follows:
- i. Grass must be short cropped and maintained during the declared fire danger period.
 - ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - iv. Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
 - v. Shrubs must not be located under the canopy of trees.
 - vi. Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
 - vii. Trees must not overhang or touch any elements of the building.
 - viii. The canopy of trees must be separated by at least 2 metres.
 - ix. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

- 39 Before the statement of compliance is issued under the *Subdivision Act 1988*, above or below ground operable hydrants must be provided to the satisfaction of the Country Fire Authority. The hydrants must be:
- a) A maximum distance of 120 metres from the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) and no more than 200 metres apart. These distances must be measured around the lot boundaries.
 - b) Identified with marker posts and road reflectors to the satisfaction of the Country Fire Authority.
- 40 Roads 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. The roads must have:
- a) An average grade of no more than 1 in 7 (14.4 per cent - 8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent - 11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12 per cent - 7.1 degree) entry and exit angle.
 - b) Curves with a minimum inner radius of 10 metres.
 - c) A minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metre on each side and 4 metres above the access way.
- 41 If roads are more than 60 metres in length from the nearest intersection, then the roads must have a turning circle with a minimum radius of 8 metres (including roll-over kerbs if they are provided). T or Y head roads of dimensions to the satisfaction of the Country Fire Authority may be used as alternatives.

Referral authority conditions – Powercor

- 42 The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the distributor in accordance with Section 8 of that Act.
- 43 The applicant must provide an electricity supply to all lots in the subdivision in accordance with the distributor's requirements and standards.
- 44 The applicant must ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules.
- 45 The applicant must establish easements on the subdivision, for all existing distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Expiry of permit

- 46 This permit will expire if one of the following circumstances applies:
- a) The plan of subdivision is not certified within two years of the date of this permit.
 - b) The plan of subdivision is not registered at Land Registry Services within five years of the certification of the subdivision.

The responsible authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

USEFUL INFORMATION:

Engineering Notes

1. In accordance with section 17 of the *Subdivision Act 1988*, works required to be undertaken as part of the subdivision must not start until the plan of subdivision has been certified and the engineering plans approved by the responsible authority.

Powercor Notes

2. Extension, augmentation or rearrangement of the distributor’s electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant (see condition ~~38~~43).
3. Where electrical works are required to achieve Victorian Service and Installation Rules compliance, a registered electrical contractor must be engaged to undertake such works (see condition ~~39~~44).
4. Existing easements may need to be amended to meet the distributor’s requirements (see condition ~~40~~45).
5. Easements required by the distributor are to be specified on the subdivision and show the purpose, origin and the ‘in favour of party’ (see condition ~~40~~45) as follows:

Easement reference	Purpose	Width (metres)	Origin	Land benefited / in favour of party
	Power line		Section 88 - <i>Electricity Industry Act</i> 2000	Powercor Australia Ltd

6.

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Vegetation Impact Assessment

104 Melton Road, Gisborne



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Documentation

Report title	Vegetation Impact Assessment; 104 Melton Road, Gisborne
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Document Review

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Final v2	1/12/2023	Dean Platt ¹ and Tania Begg ²
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Prologue

People live in the landscape. Indeed, they live in subdivided landscapes. Subdivisions alone do not necessarily make a community. People can, and moreover in a climate-changing future, must be enabled to live among the trees and become custodians of nature and biodiversity. There is a significant movement in the building and development sector encouraging this transformation, guided by the likes of the Green Building Council of Australia. There are precedents.

Trees alone do not make a forest. The local neighbourhood around 104 Gisborne-Melton Road, Gisborne, is characterised by trees and residences. It is not a community in a forest, but it is part of Gisborne which is, in my opinion, a residential community, with trees and green thoughts.

This 5.0-ha site has been degraded and continues to degrade. This trajectory is depressing. The proposed development at this site intends to transform this agricultural into a low-density community of residents in a forested landscape. A landscape design that will protect and restore native vegetation patterns by intervening in a positive and practical way to enhance the site forest ecology. The development involves landscape architecture. Landscape architecture should respond to the values of a site. The value of the site was its forest cover. As a small farm, this site has long been developed away from its values. All except for the remnant forest along the northern crest, the original vegetation community has been decimated. This old grassy forest on the hill with its many veteran trees is an echo to the pre-European vegetation pattern across the site. Elsewhere on the site, while many trees survive, few are healthy, and no understorey remains. The values lie in the patches of forest in the north-east, to a lesser extent in the south-east and in those paddock trees that carry significant habitat.

These are values that are vulnerable to poor land use and design decisions in an increasingly residential and well-treed neighbourhood. Development is inevitable here. The site is zoned residential to the north, south and east, with a golf course to the west. No environmental overlays guide land use.

This proposal aims to design a subdivision that is a community that lives in the fashion of a forest. This is where the development plan must work hard. As native vegetation specialists and conservation ecologists, Tree Wishes, have worked with the development process to deliver ecological outcomes. Some control on how people live in a landscape is necessary, such as protecting nature. Here, conservation principles are important controls.

Tree Wishes has guided the design of the site with the following principles:

- Understand the local ecology
- Include a vision for long-term function of the site
- Facilitate a positive sense of place
- Engage the community in local ecology
- Communicate and celebrate the local ecology
- Landscape in a pattern like the local native vegetation pattern
- Protect and link stands of significant native vegetation and biodiversity
- Minimise bare ground through restoring vegetative land cover wherever possible
- Control aggressive, overabundant or invasive species
- Maintain and restore coarse woody debris and other habitat elements
- Include and incorporate nature through human-dominated areas
- Respect the land use limits of the ecology
- Enable practical retention of native vegetation notwithstanding legislative or theoretical impacts

These principles also provide opportunities for the development of the site to have its ecological values improved. The ecological response to this proposal is to ensure some parts of the ecology are preserved/conserved and some parts augmented. This includes actions such as:

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- significant conservation trees have been retained (except for 1)
- significant patches of remnant native vegetation conserved within non-residential or larger allotments
- all significant trees will receive an arborist-appointed protection plan
- landscape architecture with ecological merit

The company, Thrive Places, proudly owns this proposal. Their vision is a future where all homes on earth are resilient, healthy, accessible and carbon and biodiversity net positive. 104 Melton Road is a project that can demonstrate this. Our company, Thrive Places, is working towards a future where all homes on earth are resilient, healthy, accessible, and net positive; particularly net positive in terms of carbon and biodiversity – 104 Melton Road is a project that intends to demonstrate this vision.

Historically, the development of land for homes has been driven by profit for the development phase and the building phase separately – there has been little regard for the livability of the house or the costs attributed to the occupancy. This has resulted in adverse outcomes across the lifecycle of the housing supply chain. Some of the sub-optimal outcomes include:

- for biodiversity at the development phase, as developers look to optimise yield by clearing as much vegetation as possible
- for builders, who lose the ability to design and build optimal homes due to poor orientation of sites and commensurate poor orientation of homes for passive solar efficiency;
- for homeowners, who lose amenity of green spaces, and lose the ability to have optimally efficient homes, locking in higher energy bills for the lifecycle of the home.
- On a broader community scale, loss of trees and green spaces also results in less water retention in the landscape, exacerbating flooding, both pluvial and fluvial in an era of climate change where extreme rain is becoming more prevalent.

Thrive Places carefully chose this site to demonstrate optimal development and build sustainable homes. 104 Melton Road provides a low-density residential zone to accentuate balance between built form and green spaces.

Collective effort in design has significantly limited any impacts on native vegetation and biodiversity. Tree surveys and impact assessments demonstrate that the design preferences the removal of trees carrying low ecological values. Indeed, of 155 native trees:

- 21% (32/155) carry high ecological value and 91% (29/32) of these high value trees are not directly affected by the proposal and may be simply retained in reserves or practically retained with Tree Protection Management Plans
- 59 trees will be removed, 39 of which carry low, 17 with medium and 3 with high ecological values

Formal off-site offsets will be necessary. On-site offsets will be incorporated through tree protection, forest community protection, ecological landscaping, and habitat additions. Land management will be guided where necessary by Land Management Plans (LMP) attached to ownership of a title. These LMPs will address weeds, and importantly add biological diversity and structural heterogeneity to the site. It will guide conservation management of the future forest patches and ecological landscaping across the community.

This application is about lifestyles within a treescape. This part of south-central Gisborne carries much forest across private land, the golf course, and some public reserves. This is a special part of Gisborne, but the forest is undeniably depleted and dysfunctional. It carries high weed levels, is represented by trees alone and only loosely connected to other patches. This proposal respects the forest and has incorporated an ecological viewpoint into a multi-residential development of the site.

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1 Introduction

1.1 Project Description

Development is planned for land at 104 Melton Road Gisborne. The site lies on the southern outskirts of Gisborne and is surrounded by residential development. The property lies within the Low-Density Residential Zone and is covered by a Development Contribution Plan Overlay - Schedule 2.

The property has long supported a residence on grazed acreage. A mushroom farm was, until recently, also active in the west of the property. The proposal will see the site developed into 20 lots, all supporting energy efficient housing. The proposed allotments vary from 2,000m² to 7,010m². Many lots will practically retain remnant native vegetation away from the domestic areas.

1.2 Study Area

Variable/Constant	Description
Location	104 Melton Road, Gisborne
Size	5.002 ha
General Description of the Land	The site is gently undulating and has been historically used for residential, business, recreation and hobby farming purposes.
Municipality	Macedon Ranges
Planning Zones	Low Density Residential Zone (LDRZ)
Overlays	Development Contribution Plan Overlay - Schedule 2 (DCPO2)
Bioregion	Victorian Volcanic Plains
Pre-1750 EVC	EVC 55 Plains Grassy Woodland (Endangered)

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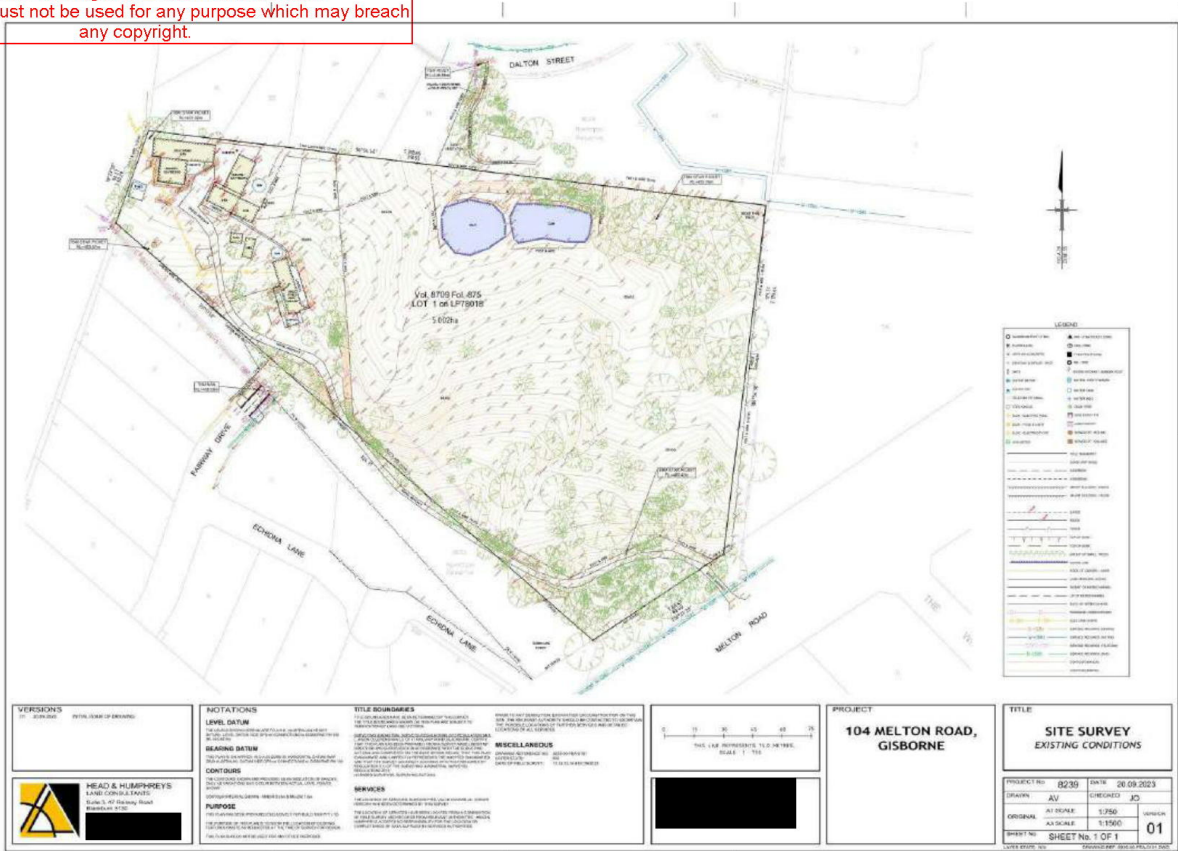


Figure 1. Existing site layout for 104 Gisborne Road, Melton.

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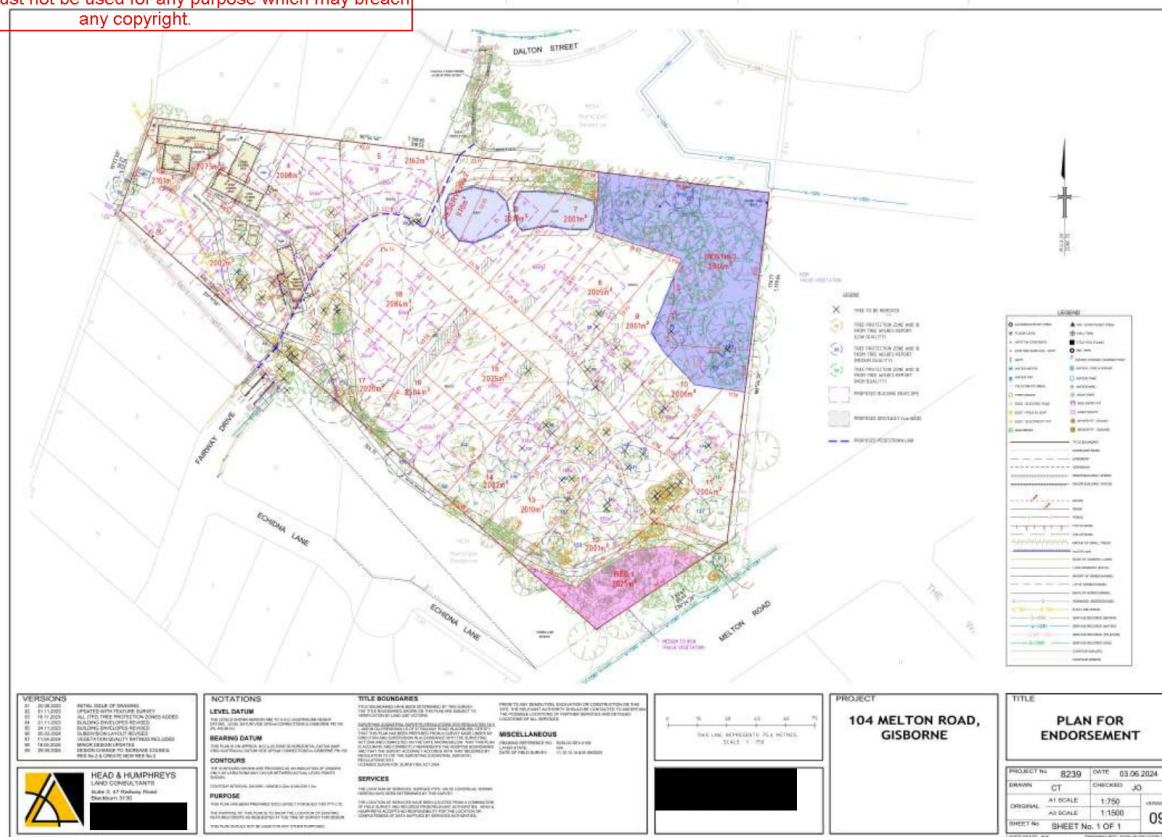
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Figure 2. Proposed site layout for 104 Gisborne Road, Melton.

Tree Wishes Land Care Advice

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1.3 Scope of Assessment

The objective of this report is to provide native vegetation and biodiversity planning advice on the impact associated with the works. The following steps were undertaken to determine the implications of development the proposed areas:

- A detailed desktop review of existing databases, reports, permits and documents.
- A site visit to survey native vegetation and biodiversity features (confirm desktop analysis and check for any anomalies).
- A report providing advice on obligations regarding environmentally appropriate development on site.

2 Desktop Review

2.1 Native Vegetation Definition

In Victoria, a planning permit is required to remove, destroy or lop native vegetation. Native vegetation is defined in the Victoria Planning Provisions as 'plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses'. A planning permit is required to remove native plants that meet this definition unless an exemption applies. The Guidelines for the removal, destruction or lopping of native vegetation (the Guidelines) classify native vegetation in two categories; remnant patches and scattered trees.

Remnant patch

A remnant patch of native vegetation is either:

- an area of vegetation where at least 25 per cent of the total perennial understorey plant cover is native, or
- any area with three or more native canopy trees where the drip line of each tree touches the drip line of at least one other tree, forming a continuous canopy

Scattered tree

- A scattered tree is a native canopy tree taller than 3 metres that does not form part of a remnant patch.

2.2 NatureKit

NatureKit is a tool to display and produce maps of Victoria's biodiversity, native vegetation, and flora and fauna data. NatureKit details information on Victoria's:

- Vegetation
- Biodiversity
- Planning
- Wetlands
- Marine and coast
- Disturbance
- Catchments
- Land administration and classification

2.2.1 Remnant Ecological Vegetation Classes (EVC)

A search of the DELWP's NatureKit revealed that one EVC was likely to be present across the property - EVC 128 - Grassy Forest.

2.3 Victorian Biodiversity Atlas

The VBA is a database of flora and fauna recordings across the state. It provides information about the location of species and how they have changed over time. As the tool relies on observations submitted by individuals and organisations, it does not necessarily reflect the diversity of species within an area, as some areas are yet to be surveyed.

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2.3.1 Threatened Flora and Fauna

A search of the DELWP's Victorian Biodiversity Atlas (VBA) revealed that two threatened flora and one threatened fauna species had been recorded at or within one km of the site in the past twenty years. This is likely due to a lack of information within the system, rather than the lack of threatened species within the biodiversity healthy region. These species are listed in Tables 2 and 3.

2.4 EPBC Act Protected Matters

The EPBC protected matters search tool generates reports that will help determine whether matters of national environmental significance or other matters protected by the *Environment Protection and Biodiversity Conservation Act 1999* are likely to occur in the area of interest. The tool was used to generate a report for the project area and a 1 km buffer around the project area.

2.4.1 Threatened Flora

The protected matters report detailed two flora species whose habitat is known to occur within the area. These species are listed in Table 2.

2.4.2 Threatened Fauna

The protected matters report detailed listed two threatened species or species habitat which is known to occur within the area. The species which are known to occur, or their habitat is known occur, are listed in Table 3.

2.4.3 Threatened Ecological Communities

The EPBC protected matters report detailed four ecological communities which are known to, are likely to or may occur within the area. These communities are detailed below in Table 1.

Table 1. Threatened Ecological Communities – the category and rank.

Community Name	Threatened Category	Rank
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	Critically Endangered	Community likely to occur within area
Natural Temperate Grassland of the Victorian Volcanic Plain	Critically Endangered	Community may occur within area
Grey Box (<i>Eucalyptus microcarpa</i>) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia	Endangered	Community may occur within area
Grassy Eucalypt Woodland of the Victorian Volcanic Plain	Critically Endangered	Community known to occur within area

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Table 2: Rare and Threatened Flora, Status and Protections

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Scientific Name	Common Name	Presence Text	EPBC Status	FFG Status	Likelihood of Occurrence	Details
<i>Lepidium hyssopifolium</i>	Basalt Pepper- cress, Pepper- cress, Rubble Pepper- cress, Pepperweed	Species or species habitat likely to occur within area	Endangered	Endangered	Unlikely	Known to establish on open, bare ground with limited competition from other plants. The species has not been recorded within the region, there is lots of pasture competition in the paddocks, and tree/shrub cover elsewhere. The site does not support suitable habitat for the species.
<i>Dianella amoena</i>	Matted Flax-lily	Species or species habitat likely to occur within area	Endangered	Critically Endangered	Unlikely	Occurs most commonly in lowland grasslands, grassy woodlands, valley grassy forest and creeklines of herb-rich woodland. Sites are dominated by a grassy understorey with Kangaroo Grass (<i>Themeda triandra</i>) and Blackwood (<i>Acacia melanoxylon</i>) as a common understorey tree. Other grass species present include Wallaby Grass (<i>Austrodanthonia racemosa</i> var. <i>racemosa</i>), Common Wheat Grass (<i>Elymus scaber</i> var. <i>scaber</i>), Weeping Grass (<i>Microlaena stipoides</i> var. <i>stipoides</i>), Common Tussock-grass (<i>Poa labillardierei</i>) and Grey Tussock-grass (<i>Poa sieberiana</i>). Much of the site is disturbed and dominated by exotic grasses. The species has not been recorded within the region.
<i>Pterostylis chlorogramma</i>	Green-striped Greenhood	Species or species habitat likely to occur within area	Vulnerable	Endangered	Very Unlikely	The green-striped leafy greenhood grows in heathy and shrubby forests near the Victorian coast between Yarram and Edenhope. The site does not support suitable habitat and the species has not been recorded within the region.

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Name	Common Name	Text	EPBC Status	FFG Status	Likelihood of Occurrence	Details
<i>Amphibromus fluitans</i>	River Swamp Wallaby-grass, Floating Swamp Wallaby-grass	Species or species habitat likely to occur within area	Vulnerable		Unlikely	River Swamp Wallaby-grass grows mostly in permanent swamps and also lagoons, billabongs, dams and roadside ditches. In southern Victoria, it is known from several localities in south Gippsland, including Moe, Yarram, Meeniyan and Wonthaggi areas, Creswick, Clunes, as well as in the Lysterfield Lake Park in Melbourne, Ballarat, and the Portland-Casterton areas. The site does support suitable habitat for the species however, it has not been historically recorded within the region.
<i>Senecio psilocarpus</i>	Swamp Fireweed, Smooth-fruited Groundsel	Species or species habitat likely to occur within area	Vulnerable		Very Unlikely	Occurs on high-quality herb-rich wetlands on plains. During winter such sites can be inundated with up to 60 cm or more of water, but are almost dry in summer. A tree canopy is absent from most sites, or rarely, River Red Gum. The site does not support suitable habitat for the species, and it has not been recorded within the region.
<i>Xerochrysum palustre</i>	Swamp Everlasting, Swamp Paper Daisy	Species or species habitat likely to occur within area	Vulnerable	Critically Endangered	Very Unlikely	Grows in wetlands including sedge-swamps and shallow freshwater marshes, often on heavy black clay soils. Commonly associated genera include Swamp Wallaby-grasses (<i>Amphibromus</i> spp.), Twig-sedges (<i>Baumea</i> spp.), Sedges (<i>Carex</i> spp.), Chorisandra, Billy-buttons (<i>Craspedia</i> spp.), Spike-sedges (<i>Eleocharis</i> spp.), Club-sedges (<i>Isolepis</i> spp.), Blowngrasses (<i>Lachnagrostis</i> spp.), Sword-sedges (<i>Lepidosperma</i> spp.), Water-milfoils (<i>Myriophyllum</i> spp.), Common reed (<i>Phragmites australis</i>), Kangaroo grass (<i>Themeda triandra</i>) and Villarsia. The site does not support suitable habitat for the species, and it has not been recorded within the region.

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Name	Common Name	Presence	EPBC Status	FFG Status	Likelihood of Occurrence	Details
<i>Glycine latrobeana</i>	Clover Glycine, Purple Clover	Species or species habitat likely to occur within area	Vulnerable	Threatened	Unlikely	Found across south-eastern Australia in native grasslands, dry sclerophyll forests, woodlands and low open woodlands with a grassy ground layer. Soils generally have a sandy component being either sand or loamy sand, but Clover Glycine has also been found on clay soils. The site supports suitable habitat for the species however, it has not been historically recorded within the region.
<i>Eucalyptus aggregata</i>	Black Gum	Species or species habitat likely to occur within area	Vulnerable	Vulnerable	Unlikely	All known stands are located within four kilometres of the town of Woodend, occurring primarily along roadsides and streamlines. Black gum grows on alluvial soils in, poorly-drained flats and hollows adjacent to swamps, creeks and small rivers and up adjoining slopes. The site may support suitable habitat for the species however, it has not been historically recorded within the region.
<i>Acacia rostriformis</i>	Bacchus Marsh Wattle	Recorded within 1km in 2021		Vulnerable	Likely	Occurs in low hilly areas in Eucalyptus woodland. The site supports suitable habitat, and the species has been recorded nearby.
<i>Senecio campylocarpus</i>	Floodplain Fireweed	Recorded within 1km in 2021		Endangered	Likely	Moist to wet clay soils in winter wet areas of forests and woodlands. The site supports suitable habitat, and the species has been recorded nearby.

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Table 3 - EPBC Search Tool Species Records

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Scientific Name	Common Name	Class	Presence Text	Threatened Category	Likelihood of Occurrence	Details*
<i>Petaurus australis australis</i>	Yellow-bellied Glider (south-eastern)	Mammal	Species or species habitat likely to occur within area	Vulnerable	Very Unlikely	Occurs in eucalypt-dominated woodlands and forests, including both wet and dry sclerophyll forests. The species shows a preference for large patches of mature old growth forest that provide suitable trees for foraging and shelter. The site does not support suitable habitat for the species. The species has not been recorded nearby.
<i>Neophema chrysostoma</i>	Blue-winged Parrot	Bird	Species or species habitat known to occur within area	Vulnerable	Unlikely	The Blue-winged Parrot inhabits a range of habitats from coastal, sub-coastal and inland areas, right through to semi-arid zones. Throughout their range they favour grasslands and grassy woodlands. They are often found near wetlands both near the coast and in semi-arid zones. Blue-winged Parrots can also be seen in altered environments such as airfields, golf-courses and paddocks. The site may support suitable habitat for the species however, it has not been recorded nearby and the site is degraded through grazing, fragmentation and invasive species.
<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo	Bird	Species or species habitat known to occur within area. Recorded within 1km of the site in 2016.	Endangered	Very Likely	During summer, the Gang-gang Cockatoo is found in tall mountain forests and woodlands, with dense shrubby understoreys. In winter, Gang-gangs will move to lower altitudes into drier, more open forests and woodlands. At this time, they may be seen by roadsides and in parks and gardens of urban areas. They require tall trees for nest hollows. The site supports suitable habitat for the species, and it has been recorded nearby recently. The site does not carry the best 50% of habitat and the vegetation is below average quality.
<i>Lathamus discolor</i>	Swift Parrot	Bird	Species or species habitat likely to	Critically Endangered	Unlikely	Non-breeding birds occur in inland box-ironbark and grassy woodlands, and coastal swamp mahogany (<i>E. robusta</i>) and spotted gum (<i>Corymbia maculata</i>) woodland when in flower. They also occur in coastal forests of eastern Victoria.

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Scientific Name	Common Name	Class	Breach	Presence Text	Threatened Category	Likelihood of Occurrence	Details*
				occur within area			The site may support suitable habitat for the species; however, it has not been recorded in the region.
<i>Stagonopleura guttata</i>	Diamond Firetail	Bird		Species or species habitat likely to occur within area	Vulnerable	Very Unlikely	Occur in eucalypt, acacia or casuarina woodlands, open forests and other lightly timbered habitats, including farmland and grassland with scattered trees. They prefer areas with relatively low tree density, few large logs, and little litter cover but high grass cover. The site may support suitable habitat for the species, however there are no historical records of it within the region. The vegetation is of below average quality for the species.
<i>Hirundapus caudacutus</i>	White-throated Needletail	Bird		Species or species habitat likely to occur within area	Vulnerable	Unlikely	An aerial species occurring over most habitat types. Prefers foraging over wooded areas including open forest and rainforest, less often over woodland and grassland. The species has not been recorded nearby however; the site may support suitable habitat.
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	Mammal		Foraging, feeding or related behaviour likely to occur within area	Vulnerable	Unlikely	A canopy-feeding frugivore and nectarivore, which utilises vegetation communities including rainforests, open forests, closed and open woodlands. The site supports suitable habitat for the species; however, it has not been historically recorded in the area. The site may carry remaining 50% of habitat however there is much die-off on the trees the species would utilise.
<i>Melanodryas cucullata cucullata</i>	South-eastern Hooded Robin, Hooded Robin (south-eastern)	Bird		Species or species habitat likely to occur within area	Endangered	Very Unlikely	Prefer dry eucalypt and acacia woodlands and shrublands with an open understorey, some grassy areas and a complex ground layer. While they can occur in patches as small as 2.9 ha, in modified landscapes they prefer much larger patches. The species has not been recorded within the region. The patch of vegetation is small, degraded and suffering from fragmentation, all factors which make the site unsuitable for the species.
<i>Synemon plana</i>	Golden Sun Moth	Insect		Species or species	Vulnerable	Very Unlikely	The species prefers tussocks both native and exotic in open grasslands with exposed to full sun. The species has not been

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Name	Scientific Name	Common Name	Class	Presence Text	Threatened Category	Likelihood of Occurrence	Details*
				habitat likely to occur within area			recorded within the region, and the site does not support suitable habitat for the species, with no tussocks and lots of shading trees.
<i>Litoria raniformis</i>	Growling Grass Frog, Southern Bell Frog, Green and Golden Frog, Warty Swamp Frog, Golden Bell Frog	Frog		Species or species habitat likely to occur within area	Vulnerable	Unlikely	This species is found mostly amongst emergent vegetation in or at the edges of still or slow-flowing water bodies such as lagoons, swamps, lakes, ponds and farm dams. The Growling Grass Frog can be found floating in warmer waters in temperatures between 18–25°C. The species has not been historically recorded within the region; however, the site may support suitable habitat for the species.
<i>Climacteris picumnus victorae</i>	Brown Treecreeper (south-eastern)	Bird		Species or species habitat likely to occur within area	Vulnerable	Very Unlikely	The subspecies mainly inhabits woodlands dominated by stringybarks or other rough-barked eucalypts, usually with an open grassy understorey, sometimes with one or more shrub species. The subspecies is absent from heavily degraded woodlands. The site is heavily degraded, and the species has not been historically recorded in the region.
<i>Grantiella picta</i>	Painted Honeyeater	Bird		Species or species habitat likely to occur within area	Vulnerable	Unlikely	The species inhabits mistletoes in eucalypt forests/woodlands, riparian woodlands of black box and river red gum, box-ironbark-yellow gum woodlands, acacia-dominated woodlands, paperbarks, casuarinas, callitris, and trees on farmland or gardens. The species prefers woodlands which contain a higher number of mature trees, as these host more mistletoes. The species has not been historically recorded within the area. The site does not support below average vegetation with a low number of mistletoes.

*Appendix A provides the decision tool for assessing habitat values for threatened species.

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2.5 Native Vegetation Information Management System

The Native Vegetation Information Management system (NVIM) is an online tool to access Victoria's native vegetation information. The tool is designed for accessing the information and generating reports required to apply for a permit to remove native vegetation using Victoria's permitted clearing regulations (Clause 52.16 and Clause 52.17 of the Victoria Planning Provisions).

The tool generates a report that can be submitted with an application for a permit to remove native vegetation. The tool also determines what assessment pathway an application will follow.

2.5.1 Assessment Pathway

The assessment pathway for an application to remove native vegetation reflects its potential impact on biodiversity and as shown below in Figure 3, is determined from the location and extent of the native vegetation to be removed. The three assessment pathways are:

- Basic – limited impacts on biodiversity.
- Intermediate – could impact on large trees, endangered EVCs, and sensitive wetlands and coastal areas.
- Detailed – could impact on large trees, endangered EVCs, sensitive wetlands and coastal areas, and could significantly impact on habitat for rare or threatened species.

Extent of native vegetation	Location category		
	Location 1	Location 2	Location 3
Less than 0.5 hectares and not including any large trees	Basic	Intermediate	Detailed
Less than 0.5 hectares and including one or more large trees	Intermediate	Intermediate	Detailed
0.5 hectares or more	Detailed	Detailed	Detailed

Figure 3. Showing the template used to determine application pathway for any proposal based upon extent of native vegetation removal and location category.

2.5.2 Location Risk

According to the NVIM mapping the property is within Location 1 and 2, any impacts on native vegetation may follow the basic, intermediate, or detailed pathway, depending on the extent of impact.

2.5.3 Condition Score

The native vegetation condition map is a modelled layer based on survey data combined with a benchmark model and a range of other environmental data. The condition score of native vegetation is a site-based measure of how close the native vegetation is to its mature natural state, as represented by a benchmark reflecting pre-settlement circumstances. Condition score is a score out of 100, with 100 being very good condition and 0 being no condition.

According to the NVIM mapping, any remnant native vegetation across the site would score between 0 and 80 points out of 100, suggesting that the cover and quality is variable across the site.

2.5.4 Strategic Biodiversity Value Score

The strategic biodiversity value score represents the complementary contribution to Victoria's biodiversity of a location, relative to other locations across the state. This score is the weighted average strategic biodiversity value score of the mapped native vegetation calculated using the Strategic biodiversity value map.

The strategic biodiversity score of any remnant native vegetation across the site ranges from 0.00 to 1.00. According to the NVIM mapping the strategic biodiversity value across the site is variable, with a range of 0.00 to 0.60.

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2.6.1 Tree Assessment

As part of this assessment Tree Wishes completed a Tree Assessment Report for the trees across the site. This report details the tree species, size, useful life expectancy and other details for the trees. These details have been used in assessing vegetation impacts associated with the development.

3 Results

3.1 Landscape Context

The property lies on the southern outskirts of Gisborne, a growing town north-west of Melbourne. To immediate the north, south and east lies residential developments, to the west lies a golf course. Further south and west the housing density decreases to larger farmland and rural life-style blocks.

The site is connected to roadside vegetation along the Gisborne-Melton Road, and to small reserves adjoining the land to the north and south. However, within the wider landscape the vegetation is only connected by a narrow strip of roadside vegetation to larger core areas of remnant native vegetation. Within the wider landscape, the Lerderderg State Forest and Wombat State Forest lies to the south-west.

3.2 Site Assessment

The site was assessed on foot by Tania Begg (VQA qualified assessor) in September and October 2023. It was also assessed on foot by Dean Plat (VQA qualified assessor) in October 2023. The site is a mixture of gardens, remnant native vegetation and exotic pastures.

3.2.1 Planted and Exotic Vegetation

The garden areas of the site are concentrated around the existing dwelling and shedding. It includes Monterey Pine (*Pinus radiata*), Oak (*Quercus sp.*), Monterey Cypress (*Hesperocyparis macrocarpa*), Variegated Sweet Pittosporum (*Pittosporum undulatum 'Variegatum'*), Cootamundra Wattle (*Acacia baileyana*) Chinese Elm (*Ulmus parvifolia*) and several other ornamental plants.

Other exotic vegetation included grass species such as Sweet Vernal Grass (*Anthoxanthum odoratum*), Panic Veldt Grass (*Ehrharta erecta*), Annual Veldt grass (*Ehrharta longiflora*), Cocksfoot (*Dactylis glomerata*) and Quaking Grass (*Briza maxima*). Woody weed species had a minor incursion on the site and included Blackberry (*Rubus fruticosus species aggregate*), Gorse (*Ulex europaeus*), Cape broom (*Genista monspessulana*). Other weeds included Spear thistle (*Cirsium vulgare*), Ribwort plantain (*Plantago lanceolata*) and Bluebell Creeper (*Billadiera heterophylla*).

3.2.2 Native Vegetation

The site supports native overstorey trees - Narrow-leaved Peppermint (*Eucalyptus radiata*) and Messmate (*Eucalyptus obliqua*). There are many large trees scattered across the site which support hollows. Several scattered trees are dead or dying.

Understorey medium to tall shrubs were present in the south-western corner and occasionally present across the rest of the site included Blackwood (*Acacia melanoxylon*), Common Cassinia (*Cassinia aculeata*), Cherry Ballart (*Exocarpos cupressiformis*) and Silver Wattle (*Acacia dealbata*).

Ground layer vegetation was restricted to the north-eastern corner and the south-western corner and included Wallaby Grass (*Rytidosperma sp.*), Spear Grass (*Austrostipa sp.*), Kangaroo Grass (*Themeda sp.*), Sun Orchids (*Thelymitra sp.*), Flax-lily (*Dianella sp.*), Cranberry Heath (*Styphelia humifusa*) and Common Raspwort (*Gonocarpus tetragynus*).

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Although EVC 55 Plains Grassy Woodland was predicted to occur, the on-ground truthing determined that vegetation belongs to EVC 128 - Grassy Forest within the Victorian Volcanic Plain.

The vegetation supported a significant number of large trees, with large logs present in the area. Weed invasion was high with much of the understorey supporting exotic pasture species. Organic matter was predominantly exotic. Understorey species were present, however, much of the lifeforms were modified, with reduced species diversity and cover.

The vegetation at the site consisted of both Patches and Scattered Trees. Several patches of vegetation were recorded at the site, all with equivalent qualities (achieving the same score). Scattered trees were also present across the site, these trees were given the standard score of 0.20.

A Vegetation Quality Assessment (VQA) was conducted, and the vegetation scored 36 points out of 100. Table 4 below details the breakdown of the scores at the site.

Table 4. Vegetation Quality Score for the project area.

Final Habitat Score											
Site Condition								Landscape Context			
Component	Large Trees	Tree Canopy Cover	Lack of Weeds	Understorey	Recruitment	Organic Litter	Logs	Patch Size	Neighbourhood	Distance to Core Area	
Score	8	4	2	10	1	2	3	4	1	1	Total 100 36

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The site provides moderate habitat value. The site has low to moderate connectivity to other areas of vegetation within the immediate landscape. The Gisborne Golf Course lies to the west, which supports a range of fauna species.

The site supports more than 50 large hollow-bearing trees, with Crimson Rosella, Eastern Rosella, Sacred Kingfisher, Rainbow Lorikeet, Musk Lorikeet, Kookaburra, Eastern Striated Pardalote, Boobook Owl and Barn Owl, among other birds and mammals, all highly likely to inhabit the site. Small birds such as species of thornbills, finches, fairy wrens and honeyeaters use the open areas for foraging and the closed areas such as the gardens and native vegetation patches for cover and nesting. The large grassy areas provide grazing for Eastern Grey Kangaroo and Swamp Wallaby.

3.5 Threatened Species

No threatened flora species were recorded at the site. Given the history of disturbance of the site, it is not expected that any threatened flora is present.

One threatened fauna species was recorded on site - Gang-gang Cockatoo. This species was recorded feeding on the Narrow-leaf Peppermint seeds during the site assessments. The site provides suitable habitat for Gang-gang Cockatoo. The species are regularly recorded feeding on Narrow-leaf Peppermint seeds within the Woodend district (author records).

No other threatened species have been recorded at the site, and it is unlikely that any would be present or make use of the site.

3.6 Threatened Communities

3.6.1 EPBC

No EPBC listed threatened communities were found to be present at the site.

3.6.2 FFG

No FFG listed threatened communities were found to be present at the site.

3.6.3 EVC

EVC 128 - Grassy Forest is listed as endangered within the Victorian Volcanic Plains Bioregion. The remnant native vegetation across the site belongs to EVC 128.

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4 Biodiversity Impact Management

4.1 Overview of Impact

Some of the native vegetation on site will avoid impacts and be retained and supported by this proposal. Specifically, the following two reserves will retain all native vegetation without impacts under Clause 52.17:

- In the southern section of the site covering 2025m² will retain a patch of vegetation and incorporate it into the existing Echidna Lane Municipal Reserve.
- In the north-eastern corner of the site will cover some 5,016m² which will incorporate a patch of large trees and high-quality understorey vegetation. This vegetation is contiguous with the Municipal Reserve on Dalton Street and will be incorporated into this existing Reserve.

Some of the native vegetation on site will be impacted by this proposal. These impacts have been grouped into the following two subsets:

- *Legislative Losses* - Vegetation that will be considered removed under Clause 52.17. These removals include both assumed losses that native vegetation that exists on lots < 4,000m² is regarded as unable to be effectively retained on these lots due to site changes; and consequential losses resulting from native vegetation protection exemptions existing for properties < 4,000m².
- *Definite Losses* - Vegetation which will be removed. This vegetation will be removed to make way for the road, driveways and dwelling envelopes.

In principle, both the legislative losses and definite losses are considered lost with this application. The attached NVRR accounts for all losses.

In practice, however, some of the native vegetation considered lost will be retained. Section 4.6 below and the accompanying *Tree Assessment Report* provide details on this practical retention.

The updated *Tree Assessment Report (2024)* details all the trees across the site, the location of each tree (in terms of remnant patch location and proposed lot location) and the proposal impact (retention or removal plans) for each tree under Clause 52.17. The report also details any requirements for a Tree Protection Management Plan for relevant individual trees.

All trees were assigned a habitat value. This value allowed a more considered approach to tree impacts, seeking to avoid the high habitat value trees. Tables C1-C3 in Appendix C provide the rankings for each of the trees into high, medium and low habitat values. These ranking were based on assessments of the following individual tree attributes:

- Indigenous tree
- Part of a patch >0.5 ha
- Large tree with large healthy canopy (provides good foraging, nesting and safe cover/roosting usage)
- Large tree species with especially nectar-rich flowering resource (e.g. ironbarks, spotted gums, yellow gums)
- Large tree with hollows
- Medium or larger tree without hollows but with poor structure (likely to shed branches or decay to form hollows at an earlier age than normal)
- Tree species is affiliated to locally rare species
- Rare species likely to use the tree

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4.2 Native Vegetation Impacts under clause 52.17

4.2.1 Impact Assessment Method

Assessments of native vegetation impacts must include the full canopies of native trees as well as the cover of patches of understorey. To adequately assess the impact on native vegetation associated with this project, tree canopy and native vegetation patch cover mapping was undertaken. Some native vegetation losses were restricted to scattered trees, however, most of the native vegetation proposed for removal are classified as patches due to their overlapping canopy extent. The understorey of these patches consists mostly of exotic pastures, weeds and garden species.

The canopy measurements were assessed and detailed within the *Tree Assessment Report (2024)*. These canopy measurements were taken and increased in area of spread by ten per cent to allow for canopy growth and potential measurement discrepancies. The increased canopy measurements were then mapped using GIS software, to show the extent of canopy and canopy overlap. This approach ensured a more accurate assessment of patch size and extent. Figure 4 below shows the increased canopy measurements of trees considered lost mapped over the patch extent to be lost.

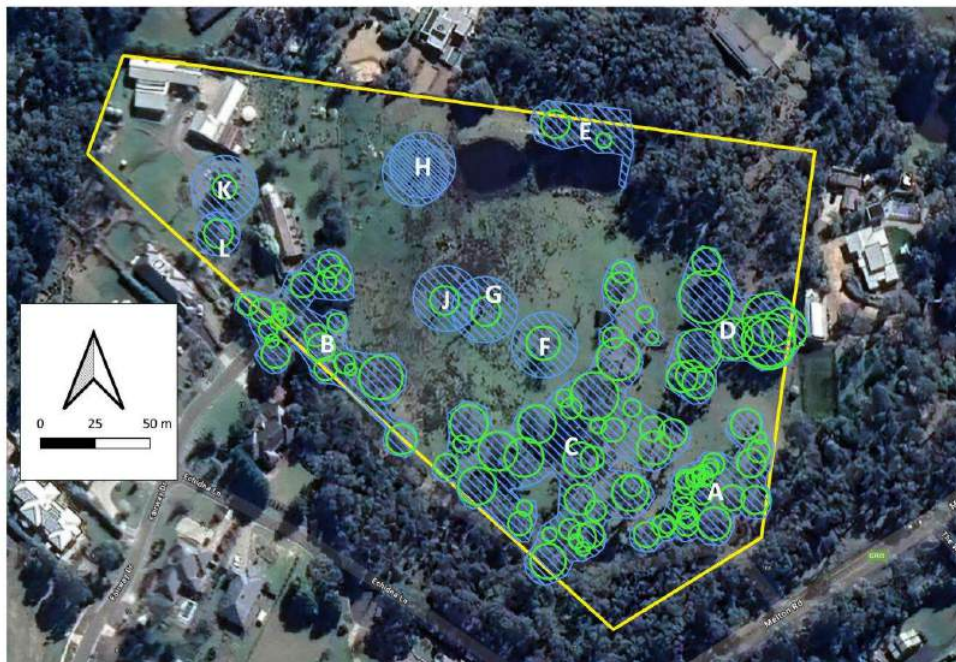


Figure 4. The canopies of each tree to be lost marked in green and the patches of vegetation to be lost in hatched blue.

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4.2.2 Impact Metrics

A Native Vegetation Removal Report (NVR) was completed for the site on the 14/6/2024. This report has been generated by DEECA and is included in the appendices of this document.

Some 1.903 hectares of native vegetation will be removed as part of this project. The vegetation removal is in the form of both Scattered Trees and remnant patches. Some 43 large trees are included within the removals.

The vegetation proposed for removal lies within Location 2, which means the application follows the detailed pathway. The strategic biodiversity value score of the vegetation ranges from 0.10 to 0.580. Figure 5 below is taken from the NVR and details the area of impact and location of scattered trees.

The Tree Assessment Report has provided further detail and analysis of the impacts and managements of the trees on site. This is attached as Appendix D in this report.

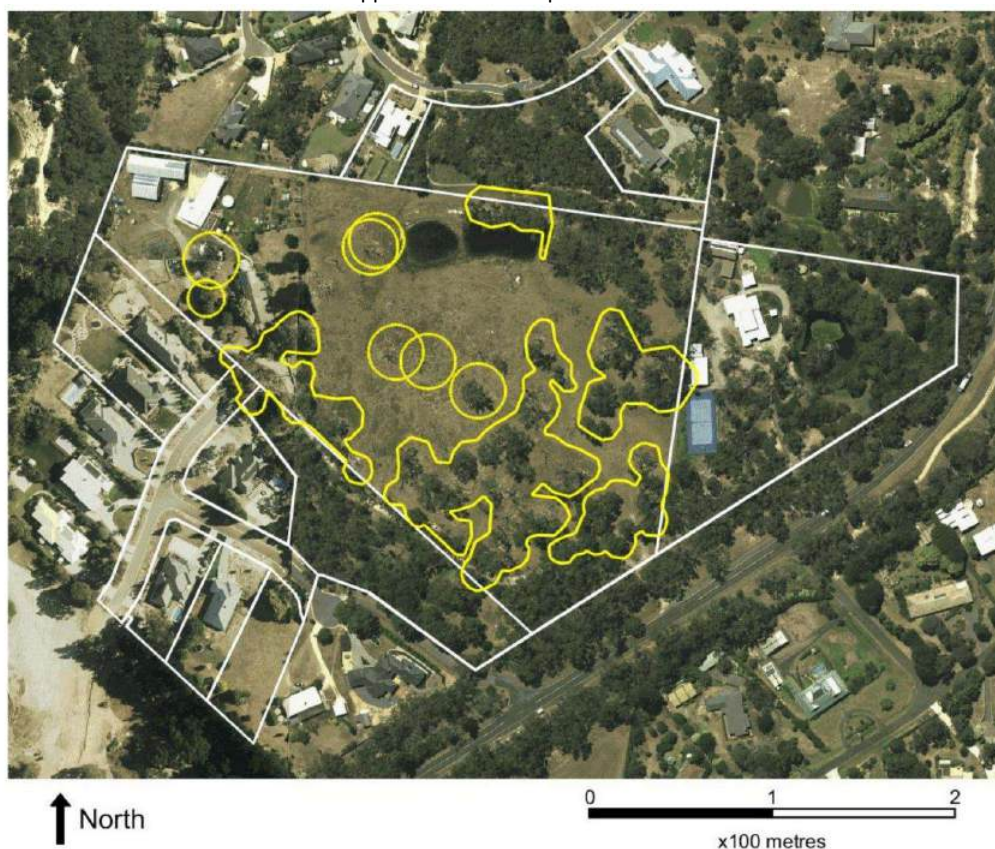


Figure 5. Vegetation and scattered tree removals for 104 Melton Road, Gisborne.

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Vegetation removals cannot be entirely avoided under Clause 52.17. The lots will be less than 4,000m² which will see the remnant vegetation effectively removed.

Minimisation has taken place through a redesign of the layout, incorporating an area of vegetation into a lot larger than 4,000m² which sees that vegetation retained. The redesign has seen a reduction in removals from 2.342 hectares of vegetation and 64 large trees to 1.903 hectares and 43 large trees.

Further remnant vegetation will be retained within a reserve in the south-western corner of the site. Further vegetation retention will occur across the lots through on-title Section 173 covenants.

4.4 Offsets

The offsets associated with the proposal are 0.677 general habitat units and 43 large trees. The offsets must have a minimum strategic biodiversity value score of 0.365 and be located within the North Central Catchment Management Authority (CMA) or Macedon Ranges Shire Council. Offsets for this project will be purchased through an offset broker.

4.5 Threatened Species

Gang-gang Cockatoo was recorded foraging on the site. The *Conservation Advice for Callocephalon fimbriatum* (Gang-gang Cockatoo) published by Commonwealth Department of Agriculture, Water and the Environment (2022) provides the following relevant advice:

- This species is migratory with a range extending vast areas from montane forests to lower altitudes across south-eastern Australia
- This species' population has declined by 69% between 1999 and 2019
- This species favours old growth forest and woodlands for breeding, loafing and roosting. Large, hollow-bearing trees are important.
- Critical habitat occurs across a range of land tenures and includes all foraging habitat in the breeding and non-breeding seasons
- Habitat critical to the survival of the species should not be cleared or destroyed
- Land clearing is a current threat to this species.

The proposal may impact on suitable feeding and foraging trees for the Gang-gang Cockatoo, with the removal of many overstorey eucalypt trees. Some of these trees are likely to provide suitable hollows for nesting sites for the species. Narrow-leaf Peppermint provide important food source for the species. The development is unlikely to significantly impact any other threatened species recorded nearby.

4.6 Practical Vegetation Retention

All native vegetation located outside the dwelling envelopes, roads and domestic areas will be retained. Section 173 Covenants will be applied to each property. The covenants will detail the following:

- Vegetation to be retained.
- Species which cannot be planted on the property (known or likely weeds)
- Fencing must be strand-wire fencing to allow for wildlife movement and minimise damage to remnant native vegetation;
- Specific land management actions;
- Pets to be contained to the domestic area of the property;
- Where applicable, revegetation schedules.

The *Tree Assessment Report* (2024) completed by Tree wishes details those trees which will be retained as part of the development, and the requirement for Tree Protection Management Plan for individual trees across the site.

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Advertised**4.7 Other Biodiversity Impact Mitigation Measures**

- To protect and facilitate wildlife movement on the site, fencing will be restricted to strand-wire fencing.
- No barbed wire will be used within the development.
- Fencing within tree protection zones will be replaced with star picket markers at several metre spacings to avoid impacts on tree roots.
- Coarse and or hollow logs derived from the trees to be removed will be relocated into the reserve and offered to council and local environmental groups for conservation projects within the region.

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5 Relevant Legislation

5.1 Commonwealth

5.1.1 EPBCA

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) applies to sites where proposed developments or projects may have a significant impact on matters of National Environmental Significance (NES). There are currently seven matters of National Environmental Significance:

- World Heritage properties
- National Heritage places
- Nationally listed threatened species and ecological communities
- Listed migratory species
- Ramsar wetlands of international importance
- Commonwealth marine areas
- Nuclear actions (including uranium mining).

Under the EPBC Act, a proponent must refer proposed actions that may have a significant impact on matters of national environmental significance to the Australian Government Environment Minister (or delegate).

Relevance to proposal

Listed Flora

- There are no listed flora species likely to be impacted by this project.
- Listed Fauna
- Four individual Gang-gang Cockatoo were recorded using the site for foraging. It is possible this site may also provide habitat for breeding.
- The conservation advice for this species is to:
 - Cease all land clearing of critical habitat
 - Retain old canopy trees
 - Restore forests and woodlands within their range
- Significant impacts for this species will include actions that lead to a long-term decrease in the population size, or fragment an existing population, or adversely affect critical habitat.
- The site does not carry the best 50% of habitat and the vegetation is below average quality.
- The recording of four individual birds does define the presence of a population, however, it is not clear if these individuals were part of a larger population number.
- The plan to retain the highest quality native vegetation on site is unlikely to fragment an existing population of a species with such a broad range.
- Restoration of the existing forests and woodlands on site may assist the recovery of this species.
- It is unlikely that this proposed activity constitutes a significant impact on this species.
- Listed Communities
- There are no listed communities likely to be impacted by this project.

Action required: No referral required.

5.2 State

5.2.1 Environmental Effects Act (1978)

The criteria for the types of potential effects on the environment that might be of significance and therefore warrant referral of a project include:

- potential clearing of 10 ha or more of native vegetation;
- matters listed under the Flora and Fauna Guarantee Act 1988:

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- potential loss of a genetically important population of an endangered or threatened species (listed or nominated for listing), including as a result of loss or fragmentation of habitats; or
- potential loss of critical habitat; or
- potential significant effects on habitat values of a wetland supporting migratory bird species;
- potential extensive or major effects on land stability, acid sulphate soils or highly erodible soils over the short or long term;
- potential extensive or major effects on beneficial uses of waterbodies over the long term due to changes in water quality, stream flows or regional groundwater levels.

Relevance to proposal

The criteria for referral to this Act are not triggered, including that the vegetation loss does not exceed the threshold of ten hectares or more.

Action required: No Statement referral required.

5.2.2 FFG Act (1988)

The Flora and Fauna Guarantee Act 1988 (FFG Act) is the key piece of Victorian legislation for the conservation of threatened species and communities, protected flora and fauna and for the management of potentially threatening processes.

Threatened species and vegetation communities are listed under the FFG Act and action statements are prepared for each listed item, which provides background information, reasons for decline and current threats, as well as management actions. Protected flora species are not threatened but require protection for other reasons. For example, highly sought-after species such as ferns, orchids and grass trees are protected to control their removal in the wild.

Proposed works or activities on public land which may kill, injure or disturb threatened or protected flora species require a Protected Flora License or Permit from DEECA.

Action required: The works are all on private land, and no listed communities, flora or fauna species are proposed to be killed, injured, or disturbed as part of the works. As such no FFG permit will be required.

5.2.3 Wildlife Act 1975

The Wildlife Act 1975 is the primary legislation in Victoria for the protection of wildlife. The Act requires that wildlife research (i.e., fauna salvage and translocation) is regulated through a permit system, which is managed by DELWP. Authorisation for habitat removal must be obtained under the Wildlife Act 1975 through a license granted by DELWP. Any persons involved in fauna removal, salvage capture or relocation of fauna during mitigation measures must hold a current Management Authorisation under the Wildlife Act 1975.

Action required: No action required.

5.2.4 Planning and Environment Act (1987)

Since 1989, a planning permit from Council is required for proposals to remove, destroy or lop native vegetation on land greater than 0.4 hectares. In some instances, exemptions to the planning permit requirement can apply and are outlined in Clause 52.17 of the Victorian Planning Provisions, under the Planning and Environment Act 1987.

Clause 52.17 Native Vegetation of the Planning Scheme requires a permit for the removal of native vegetation.

Action required: Planning approval will be required. A Native Vegetation Removal Report is required. This is attached in Appendix B.

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Advertised**5.3.1 Low Density Residential Zone**

There are no ecological or environmental concerns detailed within this Zone.

5.3.2 Environmental Overlays

- There are no environmental overlays impacting this site.

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6 Conclusions

- Thrive Places, a private company with a mission for nature positive development, proposes to subdivide 5.0-ha of land at 104 Melton Road, Gisborne, into 18 allotments.
- The site currently carries a single residence, sheds and gardens and has a recent history of grazing and commercial mushroom growing.
- The site lies within the Low-Density Residential Zone without environmental overlays.
- Desktop modelling indicated that remnant native vegetation was extant on some of the site.
- Site surveys revealed that the vegetative cover is mostly cleared paddocks with some significant scattered native trees and two main patches of remnant native vegetation representing Grassy Forest EVC.
- Tree cover is the main element of this native vegetation.
- Significant die-back has occurred on the isolated paddock trees, with many of them standing dead.
- The site does not support any threatened flora.
- The development may impact foraging and nesting habitat for the endangered Gang-gang Cockatoo, although it is deemed not a significant impact to the species.
- Two patches of remnant forest will be incorporated into existing Municipal Reserves, one in the north-eastern corner and one in the south-western corner.
- Commitments to reducing native vegetation impacts have limited the losses to 1.903-ha and 43 large trees. The initial impacts were measured to be significantly higher (2.342-ha and 64 large trees).
- A permit to remove native vegetation is required under Clause 52.17.
- This proposal offers an opportunity to creatively retain native vegetation and neighbourhood character by legally protecting vegetation using on each lot. Measures intending to retain most of the vegetation, including the highest quality patches, on the proposed lots using on-title agreements are central to this proposal.
- Large parts of the site are degraded by sheep grazing and weed invasion. This proposed development offers an opportunity to control weeds and enhance remaining native vegetation and biodiversity outcomes.
- The offsets for this removal equate to 0.677 general habitat units and 43 large trees. The offset must have a minimum strategic biodiversity score of 0.365 and be located within the Port Philip and Westernport Catchment Management Authority (CMA) or Macedon Ranges Shire Council.
- Offsets can be acquired through a third-party broker.

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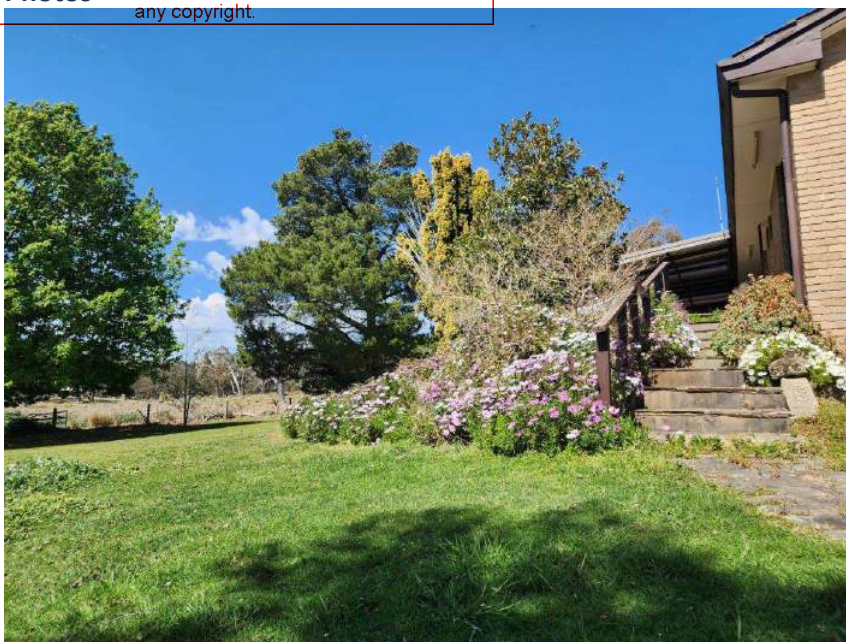


Photo 1. Taken facing east at the western corner of the existing dwelling showing the exotic gardens around the house.



Photo 2. Taken facing south from within the paddocks towards the existing dwelling showing the weedy understorey and large paddock trees with significant die-back.

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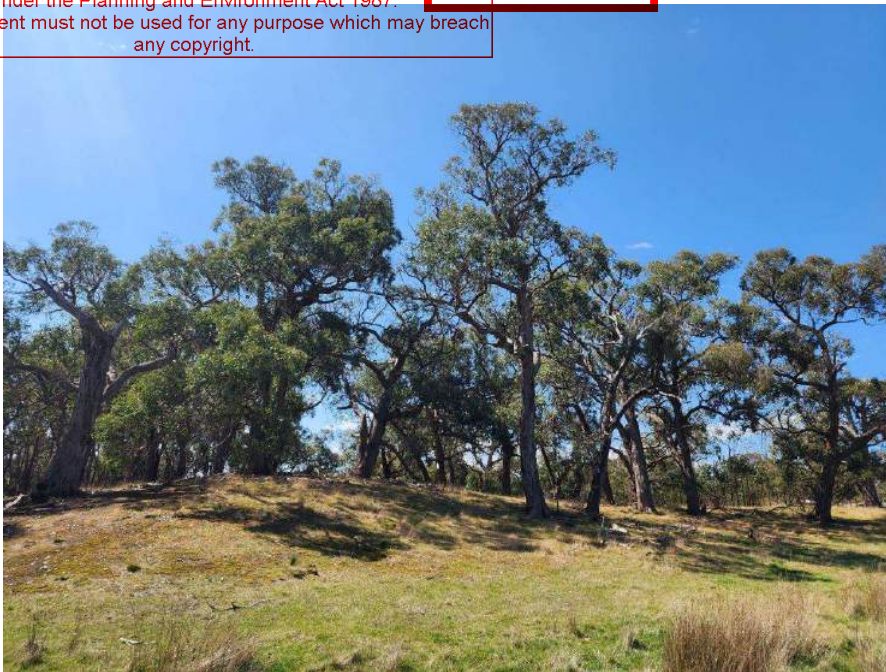


Photo 3. Taken facing north showing the area of high value vegetation in the north-eastern corner of the site.



Photo 4. Taken facing south-west from the existing driveway showing the vegetation to be included within the reserve.

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Photo 5. Taken from the existing driveway facing south-west showing the proposed entry to the subdivision from Fairway Drive.

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Photo 6. Taken from within the paddocks showing weedy understorey with scattered paddock trees.

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Appendix A – Habitat Assessment Decision Tool used for Threatened Species known to occur in the vicinity of the proposed works.

A	Is the species, or has the species been recorded as 'resident' on site? or If the species is not 'resident' has it been recorded regularly (eg. annually) on site?	Yes – go to B No – go to D
B	Is it possible to discriminate between the importance of different populations of the species? For example, can numbers be reasonably estimated and is there available knowledge on what are typical population sizes?	Yes – go to C No – go to E
C	Does the site contain a population that is above average size or importance for the bioregion?	Yes – Best 50% of habitat No – remaining 50% of habitat
D	Does the habitat on site clearly meet one or more of the habitat requirements of the species? Is it reasonable to expect that the species is present or would make significant use of the site in the medium term (e.g. within the next 10 years)?	Yes to both – go to F No to either – no further consideration required for that species
E	Has some form of habitat modelling been undertaken for the species in the bioregion?	Yes – use this information to determine Best 50% of habitat or Remaining 50% of habitat No – go to F
F	Does the site represent above-average condition and landscape context for the relevant EVC or habitat type in the bioregion?	Yes – best 50% of habitat No – remaining 50% of habitat

Criteria for Determining the Likelihood of Site Providing Habitat for Threatened Species

The three criteria for each ranking below must be met to achieve that ranking.

Very Likely

- Site carries best 50% of habitat.
- Vegetation quality reflects above average quality and could be considered to be near pre-European condition.
- Recent records exist (up to 5 years ago) of species within close proximity of study site.

Likely

- Site carries either best or remaining 50% of habitat.
- Vegetation quality reflects above average quality and is not considered to be near pre-European condition.
- Historical records exist (up to 10 years ago) of species within close proximity of study site.

Unlikely

- Site carries remaining 50% of habitat.
- Vegetation quality reflects below average condition and is depleted in either structure or diversity and landscape connectivity.
- Historical records exist (up to 20 years ago) of species within close proximity of study site.

Very Unlikely

- Site carries remaining 50% of habitat.
- Vegetation is depleted in either structure or diversity and landscape connectivity.
- No historical records exist within 20 years of species within close proximity of study site.
- The definition of 'close proximity' will differ between species and is based on the size of its home range, ability to move across the landscape and if suitable habitat linkages are present.

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Appendix B – Tree Management Proposals

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Proposal under Clause 52.17	TPMP Details (where relevant)	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Habitat Value
Lost Zone A	TMP to protect TPZ area within Lot 11	Retain, Reserve 1	10	Messmate	<i>Eucalyptus obliqua</i>	63	7.6	12	14	F	F	VN		Low
Lost Zone A		Retain, Reserve 1	13	Messmate	<i>Eucalyptus obliqua</i>	48	5.8	10	10	F	F	VN		Low
Lost Zone A	TMP to protect TPZ area within Lot 12	Retain, Reserve 1	14	Messmate	<i>Eucalyptus obliqua</i>	12	2	7	2	F	F	VN		Low
Lost Zone A	TMP to protect TPZ area within Lot 12	Retain, Reserve 1	19	Messmate	<i>Eucalyptus obliqua</i>	46.1	5.5	13	10	F	F	VN		Low
Lost Zone A	TMP to protect TPZ area within Lot 12	Retain, Lot 12	20	Messmate	<i>Eucalyptus obliqua</i>	34.7	4.2	12	11	F	F	VN		Low
Lost Zone C	TMP to protect TPZ area within Lot 12	Retain, Reserve 1	21	Messmate	<i>Eucalyptus obliqua</i>	76.7	9.2	14	15	F	F	VN	y	Medium
Lost Zone C	TMP to protect TPZ area within Lots 12 and 13	Retain, Lot 13	22	Blackwood	<i>Acacia melanoxylon</i>	22	2.6	8	6	G	G	VN		Low
Lost Zone C	TMP to protect TPZ area within Lot 13	Retain, Lot 13	23	Messmate	<i>Eucalyptus obliqua</i>	53.2	6.4	13	10	F	F	VN		Low
Lost Zone C	TMP to protect TPZ area within Lot 14	Retain, Lot 14	24	Messmate	<i>Eucalyptus obliqua</i>	29.6	3.6	11	5	F	F	VN		Low
Lost Zone B	Dead tree, low value, no TMP proposed	Retain, Lot 17	27	Messmate	<i>Eucalyptus obliqua</i>	49	5.9	10	5	D	P	VN		Low
Lost Zone B	Poor health, low value, no TMP proposed	Retain, Lot 17	28	Messmate	<i>Eucalyptus obliqua</i>	37	4.4	7	9	P	P	VN		Low
Lost Zone B	Dead tree, medium value, likely to fail in future, no TMP proposed	Retain, Lot 17	30	Messmate	<i>Eucalyptus obliqua</i>	93.3	11.2	14	9	D	F	VN	y	Medium
Lost Zone B	TMP to protect TPZ area within Lot 17	Retain, Lot 17	31	Messmate	<i>Eucalyptus obliqua</i>	82.4	9.9	14	12	F	F	VN	y	Medium
Lost Zone B	Dead tree, likely to fail in future, no TMP proposed.	Retain, Lot 17	32	Messmate	<i>Eucalyptus obliqua</i>	114.3	13.7	12	9	D	F	VN	y	High

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Proposal under Clause 52.17	TPMP Details (where relevant)	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Habitat Value
Lost Zone B		Remove, Dwelling Envelope Lot 17	33	Messmate	<i>Eucalyptus obliqua</i>	43	5.2	10	8	D	P	VN		Low
Lost Zone B		Remove, new road	34	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	45.8	5.5	10	9	G	G	VN		Low
Lost Zone B		Remove, new road	35	Messmate	<i>Eucalyptus obliqua</i>	72.6	8.7	12	12	G	G	VN	y	High
Lost Zone B		Remove, new road	36	Messmate	<i>Eucalyptus obliqua</i>	21	2.5	9	5	F	F	VN		Low
Lost Zone B		Remove, new road	37	Messmate	<i>Eucalyptus obliqua</i>	20	2.4	10	9	F	F	VN		Low
Lost Zone B		Remove, new road	38	Messmate	<i>Eucalyptus obliqua</i>	35	4.2	11	11	F	F	VN		Low
Lost Zone B		Remove, new road	39	Messmate	<i>Eucalyptus obliqua</i>	60	7.2	12	7	F-P	F	VN		Low
Lost Zone B		Remove, new road	40	Messmate	<i>Eucalyptus obliqua</i>	30	3.6	12	7	F	P	VN		Low
Lost Zone B		Remove, new road	41	Messmate	<i>Eucalyptus obliqua</i>	30	3.6	11	5	F	F	VN		Low
Lost Zone B		Remove, new road	42	Messmate	<i>Eucalyptus obliqua</i>	30	3.6	11	5	F	F	VN		Low
Lost Zone B		Remove, neighbouring lot	44	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	80	9.6	10	9	F	F	VN	y	Medium
Lost Scattered Tree		Remove Dwelling Envelope Lot 1	52	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	69.7	8.4	10	12	G	F	VN		Medium
Lost Zone B		Remove, new road	60	Messmate	<i>Eucalyptus obliqua</i>	54.4	6.5	8	11	F	F	VN		Low
Lost Zone B		Remove, new road	61	Messmate	<i>Eucalyptus obliqua</i>	95.8	11.5	15	12	F-P	F	VN	y	Medium
Lost Zone B		Remove, new road	62	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	57.6	6.9	12	9	F	P	VN		Low
Lost Scattered Tree		Remove, new road	63	Dead Eucalypt		103.4	12.4	10	4	D	P	VN	y	Medium

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Proposal under Clause 52.17	TPMP Details (where relevant)	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Habitat Value
Lost Scattered Tree		Remove, new road	64	Dead Eucalypt		92	11	10	4	D	P	VN	y	Medium
Lost Scattered Tree		Remove Driveway entry Lot 16. Boundary between lot 16 and 18	65	Dead Eucalypt		88.8	10.7	12	1.2	D	P	VN	y	Medium
Lost Scattered Tree	Dead tree, likely to fail in future, no TMP proposed.	Retain, Lot 15	66	Dead Eucalypt		103.4	12.4	12	1.2	D	P	VN	y	Low
Lost Scattered Tree		Remove, Dwelling Envelope Lot 15 and Road	67	Dead Eucalypt		86.6	10.4	12	1.4	D	F	VN	y	Low
Lost Zone C		Remove Dwelling Envelope Lot 8	68	Messmate	<i>Eucalyptus obliqua</i>	92	11	16	1.3	P	F	VN	y	Medium
Lost Zone C		Remove Dwelling Envelope Lot 8	69	Messmate	<i>Eucalyptus obliqua</i>	108.8	13.1	7	7	D	P	VN	y	Low
Lost Scattered Tree	TMP to protect TPZ area within Lot 10. TMP to protect TPZ area within Lot 8	Retain Reserve 3	75	Messmate	<i>Eucalyptus obliqua</i>	85.6	10.3	17	1.3	F	G	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 9	Retain, Lot 9	83	Messmate	<i>Eucalyptus obliqua</i>	94.8	11.4	15	1.2	D	F	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 9	Retain on Lot 9 with impacts to TPZ from boundary fence	86	Messmate	<i>Eucalyptus obliqua</i>	73.5	8.8	19	1.2	P	F	VN	y	Medium
Lost Zone D	TMP to protect TPZ area within Lots 9 and 10	Retain, Lot 10	87	Messmate	<i>Eucalyptus obliqua</i>	102.5	12.3	19	1.9	F	G	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 9.	Retain, Lot 10	88	Messmate	<i>Eucalyptus obliqua</i>	60.8	7.3	18	1.3	G	G	VN		Low
Lost Zone D		Remove Dwelling Envelope Lot 10	89	Messmate	<i>Eucalyptus obliqua</i>	44.2	5.3	18	1.3	G	G	VN		Low

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Proposal under Clause 52.17	TPMP Details (where relevant)	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Habitat Value
Lost Zone D		Remove Dwelling Envelope Lot 10	90	Messmate	<i>Eucalyptus obliqua</i>	57.6	6.9	17	14	G	F	VN		Low
Lost Zone C		Remove Dwelling Envelope Lot 9	91	Messmate	<i>Eucalyptus obliqua</i>	14	2	5	3	G	F	VN		Low
Lost Zone C		Remove Dwelling Envelope Lot 9	92	Messmate	<i>Eucalyptus obliqua</i>	24	2.9	10	7	P	F	VN		Low
Lost Zone C		Remove, new road	93	Messmate	<i>Eucalyptus obliqua</i>	85.6	10.3	17	9	D	F	VN	y	Medium
Lost Zone C		Remove, new road	94	Messmate	<i>Eucalyptus obliqua</i>	120.3	14.4	20	18	P	F	VN	y	Medium
Lost Zone C	TMP to protect TPZ area within Lots 13 and 14. TMP to protect TPZ within Road Reserve.	Remove Dwelling Envelope Lot 14 and new road	95	Messmate	<i>Eucalyptus obliqua</i>	108.8	13.1	19	18	G	G	VN	y	High
Lost Zone C		Remove Dwelling Envelope Lot 14	96	Messmate	<i>Eucalyptus obliqua</i>	86.6	10.4	19	7	D	F	VN	y	Medium
Lost Zone C		Remove Dwelling Envelope Lot 14	97	Messmate	<i>Eucalyptus obliqua</i>	62.7	7.5	15	9	F	F	VN		Low
Lost Zone B	TMP to protect TPZ area within Lots 16 and 17	Retain, Lot 16	98	Messmate	<i>Eucalyptus obliqua</i>	112	13.4	20	18	F	F	VN	y	Medium
Lost Zone C	TMP to protect TPZ area within Lot 14	Retain, Lot 14	99	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	86.3	10.4	19	15	G	F	VN	y	High
Lost Zone C	Dead tree, likely to fail in future, no TMP proposed.	Retain, Lot 16	100	Messmate	<i>Eucalyptus obliqua</i>	76.4	9.2	14	10	D	P	VN	y	Medium
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 16	101	Messmate	<i>Eucalyptus obliqua</i>	63	7.6	14	7	D	P	VN		Low
Lost Zone C	Poor health, medium value, likely to fail in future, no TMP proposed.	Retain, Lot 16	102	Messmate	<i>Eucalyptus obliqua</i>	92.6	11.1	15	15	P	F	VN	y	Medium

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Proposal under Clause 52.17	TPMP Details (where relevant)	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Habitat Value
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 16	103	Messmate	<i>Eucalyptus obliqua</i>	54.1	6.5	3	2	D	P	VN		Low
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 14	104	Messmate	<i>Eucalyptus obliqua</i>	54.7	6.6	6	2	D	P	VN		Low
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 14	105	Messmate	<i>Eucalyptus obliqua</i>	81.8	9.8	19	16	D	F	VN	y	Medium
Lost Zone C	TMP to protect TPZ area within Lots 13 and 14.	Retain, Lot 14	106	Messmate	<i>Eucalyptus obliqua</i>	83.1	10	20	17	P	F	VN	y	Medium
Lost Zone C		Remove Dwelling Envelope Lot 14	107	Messmate	<i>Eucalyptus obliqua</i>	109.5	13.1	22	16	F	F	VN	y	Medium
Lost Zone C		Remove Dwelling Envelope Lot 13	108	Messmate	<i>Eucalyptus obliqua</i>	89.4	10.7	16	15	P	F	VN	y	Medium
Lost Zone C		Remove Dwelling Envelope Lot 12	109	Messmate	<i>Eucalyptus obliqua</i>	133	16	23	14	G	F	VN	y	High
Lost Zone C		Remove Dwelling Envelope Lot 12	110	Messmate	<i>Eucalyptus obliqua</i>	86.9	10.4	20	7	D	F	VN	y	Medium
Lost Zone C		Remove, new road	111	Messmate	<i>Eucalyptus obliqua</i>	93.3	11.2	24	14	D	F	VN	y	Medium
Lost Zone C		Remove, new road	112	Messmate	<i>Eucalyptus obliqua</i>	80.2	9.6	20	10	D	F	VN	y	Medium
Lost Zone C		Remove, new road	113	Messmate	<i>Eucalyptus obliqua</i>	77	9.2	20	12	P	P	VN	y	Medium
Lost Zone A		Remove Dwelling Envelope Lot 11	114	Messmate	<i>Eucalyptus obliqua</i>	97.1	11.6	20	12	D	F	VN	y	Medium
Lost Zone A	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 11	115	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	32	3.8	6	5	D	P	VN		Low

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Proposal under Clause 52.17	TPMP Details (where relevant)	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Habitat Value
Lost Zone A	Poor health, low value, likely to fail in future, no TMP proposed.	Retain, Lot 11	116	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	64.3	7.7	9	9	P	F	VN		Low
Lost Zone A	Dead tree, medium value, likely to fail in future, no TMP proposed.	Retain, Lot 11	117	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	92.9	11.2	20	12	D	P	VN	y	Medium
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	127	Messmate	<i>Eucalyptus obliqua</i>	120.3	14.4	15	10	G	F	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	128	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	76.1	9.1	15	11	G	F	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain on Lot 10 with impacts to TPZ from boundary fence	129	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	37.9	4.5	14	12	G	F	VN		Medium
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	130	Messmate	<i>Eucalyptus obliqua</i>	76.4	9.2	14	12	F	F	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	131	Messmate	<i>Eucalyptus obliqua</i>	55.1	6.6	8	9	P	P	VN		Medium
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	132	Messmate	<i>Eucalyptus obliqua</i>	49.6	6	8	9	F	F	VN		Low
Lost Zone E		Remove, dam deconstruction, Lot 7	133	Messmate	<i>Eucalyptus obliqua</i>	42.3	5.1	9	6	F	F	VN		Low
Lost Zone E		Remove, dam deconstruction, Lot 6	134	Messmate	<i>Eucalyptus obliqua</i>	46.8	5.6	14	12	F	F	VN		Low
Lost Zone B	TMP to protect TPZ area within Lot 16	Retain, Municipal Reserve	135	Messmate	<i>Eucalyptus obliqua</i>	60.2	7.2	15	12	F	F	VN		Medium
Lost Zone A	TMP to protect TPZ area within Lot 11	Retain, Lot 11	136	Messmate	<i>Eucalyptus obliqua</i>	72.6	8.7	12	12	G	F	VN	y	High
Lost Zone A	TMP to protect TPZ area within Lot 11	Retain, Lot 11	137	Messmate	<i>Eucalyptus obliqua</i>	53.2	6.4	12	10	G	F	VN		Medium

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Proposal under Clause 52.17	TPMP Details (where relevant)	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Habitat Value
Lost Zone A		Remove, new road	138	Messmate	<i>Eucalyptus obliqua</i>	37.9	4.5	9	9	F	F	VN		Low
Lost Zone A		Remove, new road	139	Messmate	<i>Eucalyptus obliqua</i>	40.7	4.9	11	8	F	F	VN		Low
Lost Zone A		Remove, new road	140	Messmate	<i>Eucalyptus obliqua</i>	34.7	4.2	10	6	F	F	VN		Low
Lost Zone A		Remove, new road	141	Messmate	<i>Eucalyptus obliqua</i>	27.1	3.2	10	3	P	F	VN		Low
Lost Zone A		Remove, new road	142	Messmate	<i>Eucalyptus obliqua</i>	34.7	4.2	12	9	F	F	VN		Low
Lost Zone A		Remove, new road	143	Messmate	<i>Eucalyptus obliqua</i>	16.5	2	12	3	F	F	VN		Low
Lost Zone A		Remove, new road	144	Messmate	<i>Eucalyptus obliqua</i>	29.6	3.6	12	3	F	F	VN		Low
Lost Zone A		Remove, new road	145	Messmate	<i>Eucalyptus obliqua</i>	32.1	3.9	12	7	P	F	VN		Low
Lost Zone A		Remove, new road	146	Messmate	<i>Eucalyptus obliqua</i>	37.2	4.5	12	8	F	F	VN		Low
Lost Zone A		Remove, new road	147	Messmate	<i>Eucalyptus obliqua</i>	38.8	4.7	12	10	G	F	VN		Low
Lost Zone A		Remove, new road	148	Messmate	<i>Eucalyptus obliqua</i>	42.3	5.1	13	10	G	F	VN		Low
Lost Zone A		Remove, new road	149	Messmate	<i>Eucalyptus obliqua</i>	53.5	6.4	12	9	F	F	VN		Low
Lost Zone A		Remove, new road	150	Messmate	<i>Eucalyptus obliqua</i>	33.1	4	9	8	F	F	VN		Low
Lost Zone A		Remove, new road	151	Messmate	<i>Eucalyptus obliqua</i>	32.8	3.9	10	9	G	F	VN		Low
Lost Zone C	Fair health, poor structure, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12	152	Messmate	<i>Eucalyptus obliqua</i>	57	6.8	10	12	F	P	VN		Low

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Proposal under Clause 52.17	TPMP Details (where relevant)	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Habitat Value
Lost Zone C	Dead tree, medium value, likely to fail in future, no TMP proposed.	Retain, Lot 12	153	Messmate	<i>Eucalyptus obliqua</i>	103.4	12.4	12	10	D	F	VN	y	Medium
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12	154	Messmate	<i>Eucalyptus obliqua</i>	21.3	2.6	12	6	D	F	VN		Low
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12	155	Messmate	<i>Eucalyptus obliqua</i>	39.5	4.7	12	6	D	P	VN		Low
Lost Zone C	TMP to protect TPZ area within Lot 12	Retain, Lot 12	156	Messmate	<i>Eucalyptus obliqua</i>	80.2	9.6	14	12	F	F	VN	y	Medium
Lost Zone C	Fair health, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12	157	Messmate	<i>Eucalyptus obliqua</i>	45.2	5.4	8	9	F	F	VN		Low
Lost Zone C	Fair health, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12	158	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	55.1	6.6	10	12	F	F	VN		Low
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 13	159	Messmate	<i>Eucalyptus obliqua</i>	23.2	2.8	12	6	D	F	VN		Low
Lost Zone C	Poor health, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12	160	Messmate	<i>Eucalyptus obliqua</i>	66.5	8	7	9	P	F	VN		Low
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 13	161	Messmate	<i>Eucalyptus obliqua</i>	78.6	9.4	14	12	D	F	VN	y	Medium
Lost Zone C		Remove Dwelling Envelope Lot 13	162	Messmate	<i>Eucalyptus obliqua</i>	59.5	7.1	14	12	D	F	VN		Low
Lost Zone C		Remove Dwelling Envelope Lot 13	163	Messmate	<i>Eucalyptus obliqua</i>	66.2	7.9	14	10	D	F	VN		Low
Lost Zone C		Remove Dwelling Envelope Lot 13	164	Messmate	<i>Eucalyptus obliqua</i>	50.3	6	13	10	F	F	VN		Low

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Proposal under Clause 52.17	TPMP Details (where relevant)	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Habitat Value
Lost Zone C		Remove Dwelling Envelope Lot 13	165	Messmate	<i>Eucalyptus obliqua</i>	41.7	5	11	10	G	F	VN		Low
Lost Zone C		Remove, new road	166	Messmate	<i>Eucalyptus obliqua</i>	38.5	4.6	11	7	D	F	VN		Low

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Proposal under Clause 52.17	TPMP Details	Proposal	No.	Common Name	Species Name	DBH	TP Z	Height	Width	Health	Structure	Origin	Large Old Tree	Habitat Value
Retain		Retain, roadside, no impact	1	Messmate	<i>Eucalyptus obliqua</i>	39.8	4.8	7	5	P	F	VN		Low
Retain		Retain, roadside, no impact	2	Messmate	<i>Eucalyptus obliqua</i>	28.6	3.4	9	6	F	F	VN		Medium
Retain		Retain, roadside, no impact	3	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	74.2	8.9	11	12	F	F	VN	Y	High
Retain		Retain, roadside, no impact	5	Messmate	<i>Eucalyptus obliqua</i>	77	9.2	12	12	F	P	VN	y	High
Retain		Retain, roadside, no impact	6	Messmate	<i>Eucalyptus obliqua</i>	103.8	12.5	13	14	P	F	VN	y	High
Retain		Retain, Reserve 1	7	Messmate	<i>Eucalyptus obliqua</i>	19	2.3	7	8	F	F	VN		Low
Retain		Retain, Reserve 1	8	Messmate	<i>Eucalyptus obliqua</i>	39.1	4.7	8	7	F	F	VN		Low
Retain		Retain, Reserve 1	9	Messmate	<i>Eucalyptus obliqua</i>	35.6	4.3	8	7	F	F	VN		Low
Retain		Retain, Reserve 1	11	Messmate	<i>Eucalyptus obliqua</i>	26	3.1	10	7	F	F	VN		Low
Retain		Retain, Reserve 1	12	Messmate	<i>Eucalyptus obliqua</i>	24	2.9	10	9	F	F	VN		Low
Retain		Retain, Reserve 1	15	Messmate	<i>Eucalyptus obliqua</i>	46.5	5.6	11	7	P	F	VN		Low
Retain		Retain, Reserve 1	16	Messmate	<i>Eucalyptus obliqua</i>	22	2.6	7	5	P	P	VN		Low
Retain		Retain, Reserve 1	17	Messmate	<i>Eucalyptus obliqua</i>	19	2.3	10	7	F	P	VN		Low
Retain		Retain, Reserve 1	18	Messmate	<i>Eucalyptus obliqua</i>	32.8	3.9	9	6	F	F	VN		Low

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Proposal under Clause 52.17	TPMP Details	Proposal	No.	Common Name	Species Name	DBH	TP Z	He igh t	W id th	H e al th	St ru ct ur e	Orig in	Larg e Old Tree	Habita tValue
Retain	TMP to protect TPZ area within Lot 14	Retain, Municipal Reserve	25	Messmate	<i>Eucalyptus obliqua</i>	44.9	5.4	12	5	F	F	VN		Low
Retain	Poor health, low value, no TMP proposed	Retain, Municipal Reserve	26	Messmate	<i>Eucalyptus obliqua</i>	32.5	3.9	11	5	P	F	VN		Low
Retain	TMP to protect TPZ area within Lot 2	Retain, Neighbouring Lot	54	Messmate	<i>Eucalyptus obliqua</i>	58.9	7.1	15	15	F	F	VN		Medium
Retain	TMP to protect TPZ area within Lot 2	Retain, Neighbouring Lot	55	Messmate	<i>Eucalyptus obliqua</i>	52.5	6.3	14	13	F	F	VN		Medium
Retain	TMP to protect TPZ area within Lots 7 and 8. TMP to protect TPZ during infill works of the dam on lots 6 and 7	Retain Reserve 3	70	Messmate	<i>Eucalyptus obliqua</i>	114.3	13.7	12	15	F	P	VN	y	High
Retain		Retain Reserve 3	71	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	47.1	5.7	10	8	G	F	VN		Medium
Retain	Section 173 Covenant to protect as part of a patch	Retain Reserve 3	72	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	67.2	8.1	8	8	F	F	VN		Medium
Retain	Section 173 Covenant to protect as part of a patch	Retain Reserve 3	73	Messmate	<i>Eucalyptus obliqua</i>	97.1	11.6	15	15	G	G	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain Reserve 3	74	Messmate	<i>Eucalyptus obliqua</i>	84.3	10.1	15	16	F	G	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain Reserve 3	76	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	60.2	7.2	14	8	P	F	VN		Low
Retain	Section 173 Covenant to protect as part of a patch	Retain Reserve 3	77	Messmate	<i>Eucalyptus obliqua</i>	87.8	10.5	20	16	G	G	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain Reserve 3	78	Messmate	<i>Eucalyptus obliqua</i>	76.7	9.2	20	16	G	G	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain Reserve 3	79	Messmate	<i>Eucalyptus obliqua</i>	83.1	10	20	15	G	G	VN	y	High

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Proposal under Clause 52.17	TPMP Details	Proposal	No.	Common Name	Species Name	DBH	TP Z	He igh t	W id th	H e al th	St ru ct ur e	Orig in	Larg e Old Tree	Habita tValue
Retain	Section 173 Covenant to protect as part of a patch	Retain Reserve 3	80	Messmate	<i>Eucalyptus obliqua</i>	91	10.9	20	10	P	F	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain Reserve 3	81	Messmate	<i>Eucalyptus obliqua</i>	64	7.7	20	8	P	F	VN		Low
Retain	Section 173 Covenant to protect as part of a patch	Retain Reserve 3	82	Messmate	<i>Eucalyptus obliqua</i>	112.3	13.5	20	15	G	G	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain Reserve 3	84	Messmate	<i>Eucalyptus obliqua</i>	89.4	10.7	20	16	G	G	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain Reserve 3	85	Messmate	<i>Eucalyptus obliqua</i>	84.7	10.2	20	16	G	G	VN	y	High
Retain		Retain Reserve 3	118	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	51.6	6.2	8	9	P	F	VN		Low
Retain		Retain Reserve 3	119	Messmate	<i>Eucalyptus obliqua</i>	63.7	7.6	12	15	F	F	VN		Medium
Retain		Retain Reserve 3	120	Messmate	<i>Eucalyptus obliqua</i>	75.1	9	13	14	G	F	VN	y	High
Retain		Retain Reserve 3	121	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	55.7	6.7	13	12	F	F	VN		Medium
Retain		Retain Reserve 3	122	Messmate	<i>Eucalyptus obliqua</i>	112	13.4	14	12	F	G	VN	y	High
Retain		Retain Reserve 3	123	Messmate	<i>Eucalyptus obliqua</i>	70	8.4	14	15	F	F	VN	y	High
Retain		Retain Reserve 3	124	Messmate	<i>Eucalyptus obliqua</i>	100.3	12	15	15	P	F	VN	y	High
Retain		Retain Reserve 3	125	Messmate	<i>Eucalyptus obliqua</i>	99.3	11.9	15	15	G	F	VN	y	High
Retain		Retain Reserve 3	126	Messmate	<i>Eucalyptus obliqua</i>	104.1	12.5	14	15	F	F	VN	y	High

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Proposal under Clause 52.17	TPMP Details	Proposal	No.	Common Name	Species Name	DBH	TP Z	He igh t	W id th	H e al th	St ru ct ur e	Orig in	Larg e Old Tree	Habita tValue
Retain		Retain, roadside, no impact	4a	Narrow- leaved Peppermint	<i>Eucalyptus radiata</i>	15	2	4	4	F	F	VN		Low
Retain		Retain, roadside, no impact	4b	Messmate	<i>Eucalyptus obliqua</i>	15	2	6	2	F	F	VN		Low
Retain		Retain, roadside, no impact	4c	Silver Wattle	<i>Acacia dealbata</i>	20	2.4	8	9	F	P	VN		Low

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Table B.3: Proposed Tree Management Plans (TPMP)

Proposal under Clause 52.17	TPMP Details	Proposal	No.	Common Name	Species Name	DBH	TP Z	Height	Width	Health	Structure	Origin	Large Old Tree	Habitat Value
Lost Zone A	TMP to protect TPZ area within Lot 11	Retain, Reserve 1	10	Messmate	<i>Eucalyptus obliqua</i>	63	7.6	12	14	F	F	VN		Low
Lost Zone A	TMP to protect TPZ area within Lot 12	Retain, Reserve 1	13	Messmate	<i>Eucalyptus obliqua</i>	48	5.8	10	10	F	F	VN		Low
Lost Zone A	TMP to protect TPZ area within Lot 12	Retain, Reserve 1	14	Messmate	<i>Eucalyptus obliqua</i>	12	2	7	2	F	F	VN		Low
Lost Zone A	TMP to protect TPZ area within Lot 12	Retain, Reserve 1	19	Messmate	<i>Eucalyptus obliqua</i>	46.1	5.5	13	10	F	F	VN		Low
Lost Zone A	TMP to protect TPZ area within Lot 12	Retain, Lot 12	20	Messmate	<i>Eucalyptus obliqua</i>	34.7	4.2	12	11	F	F	VN		Low
Lost Zone C	TMP to protect TPZ area within Lot 12	Retain, Reserve 1	21	Messmate	<i>Eucalyptus obliqua</i>	76.7	9.2	14	15	F	F	VN	y	Medium
Lost Zone C	TMP to protect TPZ area within Lots 12 and 13	Retain, Lot 13	22	Blackwood	<i>Acacia melanoxylon</i>	22	2.6	8	6	G	G	VN		Low
Lost Zone C	TMP to protect TPZ area within Lot 13	Retain, Lot 13	23	Messmate	<i>Eucalyptus obliqua</i>	53.2	6.4	13	10	F	F	VN		Low
Lost Zone C	TMP to protect TPZ area within Lot 14	Retain, Lot 14	24	Messmate	<i>Eucalyptus obliqua</i>	29.6	3.6	11	5	F	F	VN		Low
Lost Zone B	TMP to protect TPZ area within Lot 17	Retain, Lot 17	31	Messmate	<i>Eucalyptus obliqua</i>	82.4	9.9	14	12	F	F	VN	y	Medium
Lost Scattered Tree	TMP to protect TPZ area within Lot 10. TMP to protect TPZ area within Lot 8	Retain Reserve 3	75	Messmate	<i>Eucalyptus obliqua</i>	85.6	10.3	17	13	F	G	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 9	Retain, Lot 9	83	Messmate	<i>Eucalyptus obliqua</i>	94.8	11.4	15	12	D	F	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 9	Retain on Lot 9 with impacts to TPZ from boundary fence	86	Messmate	<i>Eucalyptus obliqua</i>	73.5	8.8	19	12	P	F	VN	y	Medium

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Proposal under Clause 52.17	TPMP Details	Proposal	No.	Common Name	Species Name	DBH	TP Z	Height	Width	Health	Structure	Origin	Large Old Tree	Habitat Value
Lost Zone D	TMP to protect TPZ area within Lots 9 and 10	Retain, Lot 10	87	Messmate	<i>Eucalyptus obliqua</i>	102.5	12.3	19	19	F	G	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 9.	Retain, Lot 10	88	Messmate	<i>Eucalyptus obliqua</i>	60.8	7.3	18	13	G	G	VN		Low
Lost Zone B	TMP to protect TPZ area within Lots 16 and 17	Retain, Lot 16	98	Messmate	<i>Eucalyptus obliqua</i>	112	13.4	20	18	F	F	VN	y	Medium
Lost Zone C	TMP to protect TPZ area within Lot 14	Retain, Lot 14	99	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	86.3	10.4	19	15	G	F	VN	y	High
Lost Zone C	TMP to protect TPZ area within Lots 13 and 14.	Retain, Lot 14	106	Messmate	<i>Eucalyptus obliqua</i>	83.1	10	20	17	P	F	VN	y	Medium
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	127	Messmate	<i>Eucalyptus obliqua</i>	120.3	14.4	15	10	G	F	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	128	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	76.1	9.1	15	11	G	F	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain on Lot 10 with impacts to TPZ from boundary fence	129	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	37.9	4.5	14	12	G	F	VN		Medium
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	130	Messmate	<i>Eucalyptus obliqua</i>	76.4	9.2	14	12	F	F	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	131	Messmate	<i>Eucalyptus obliqua</i>	55.1	6.6	8	9	P	P	VN		Medium
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	132	Messmate	<i>Eucalyptus obliqua</i>	49.6	6	8	9	F	F	VN		Low
Lost Zone B	TMP to protect TPZ area within Lot 16	Retain, Municipal Reserve	135	Messmate	<i>Eucalyptus obliqua</i>	60.2	7.2	15	12	F	F	VN		Medium
Lost Zone A	TMP to protect TPZ area within Lot 11	Retain, Lot 11	136	Messmate	<i>Eucalyptus obliqua</i>	72.6	8.7	12	12	G	F	VN	y	High
Lost Zone A	TMP to protect TPZ area within Lot 11	Retain, Lot 11	137	Messmate	<i>Eucalyptus obliqua</i>	53.2	6.4	12	10	G	F	VN		Medium

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Proposal under Clause 52.17	TPMP Details	Proposal	No.	Common Name	Species Name	DBH	TP Z	Height	Width	Health	Structure	Origin	Large Old Tree	Habitat Value
Lost Zone C	TMP to protect TPZ area within Lot 12	Retain, Lot 12	156	Messmate	<i>Eucalyptus obliqua</i>	80.2	9.6	14	12	F	F	VN	y	Medium

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Appendix C – Tree Assessment Report

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Tree Assessment

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Report Title	Tree Assessment; 104 Melton Road, Gisborne
Report for	Tom Davies, Thrive Places
Report directed by	Dean Platt ¹
Report written by	Dean Platt ¹ , Jason Summers ⁴ and Tania Begg ²
Internal editing	Dean Platt ¹ , Lorien Firminger ³
Previous Versions	None
Project No.	1263

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3 – General Manager, Tree Wishes – GDipSc (Environment); BAppSc (Biology)
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Document Review

Version	Date	Review (Internal/External)
Draft	3/8/2023	Tania Begg ² Dean Platt ¹
Final v2	29/4/2024	Tania Begg ²
Final v3	7/5/2024	Tania Begg ²
Final v4	18/6/2024	Dean Platt

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1 Introduction

1.1 Project Background/Overview

Development is planned for land at 104 Melton Road Gisborne. The site lies on the southern outskirts of Gisborne and is surrounded by residential development. The property lies within the Low-Density Residential Zone and is covered by a Development Contribution Plan Overlay - Schedule 2.

The property has long supported a residence on grazed acreage. A mushroom farm was, until recently, also active in the west of the property. The proposal will see the site developed into 20 lots, all supporting energy efficient housing. The proposed allotments are > 2,000m². Many lots will practically retain remnant native vegetation away from the domestic areas.

Tree Wishes have been engaged to assess the trees within the development area and determine the impacts associated with the development.

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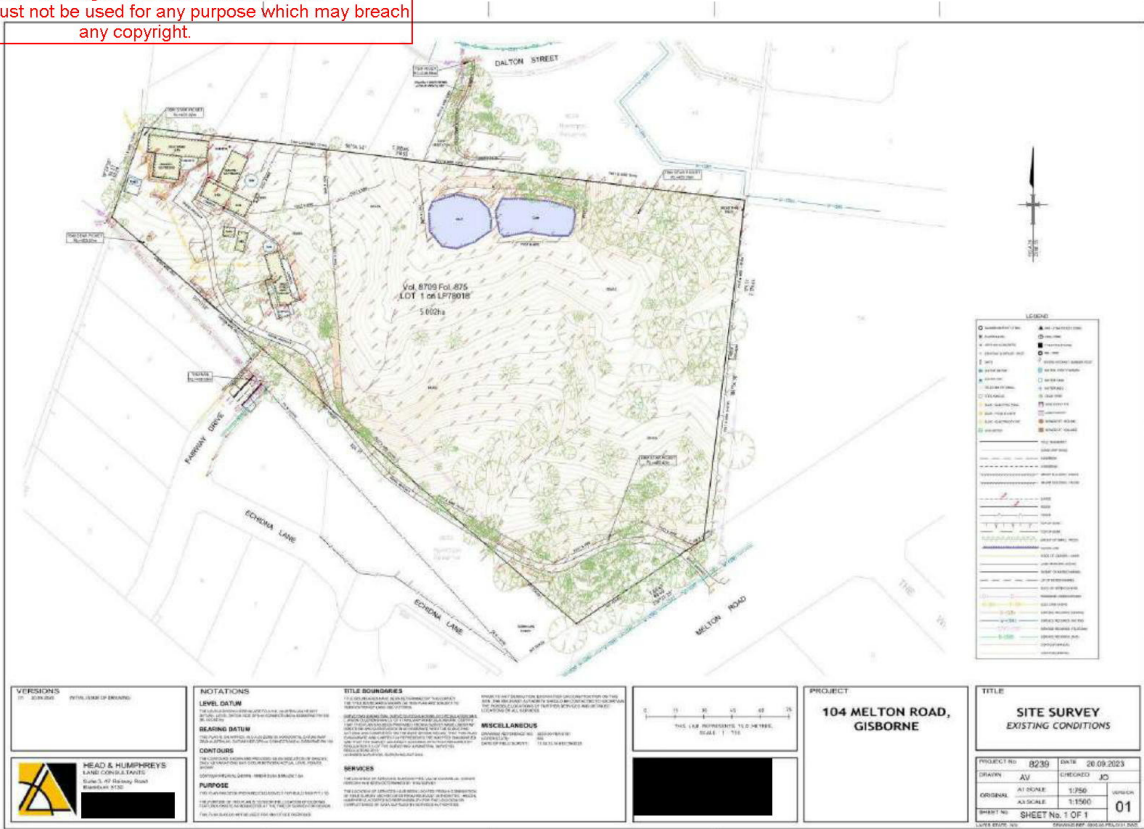
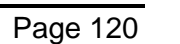


Figure 1. Existing site layout for 104 Gisborne Road, Melton.

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2 Site Assessment

2.1 Tree Details

The site as assessed on foot by Tania Begg (VQA qualified assessors) in September and October 2023. All trees within the project area were assessed thoroughly for the purpose of this report. All trees were assessed for their species, height, health, structure and useful life expectancy.

In total 166 trees were assessed. Trees were numbered as shown on Figure 2. Tree details are listed in Table 1, which includes the species, health structure and useful like expectancy of the trees.

Most of the trees are Victorian Native (Indigenous) trees including Narrow-leaved Peppermint (*Eucalyptus radiata*), and Messmate (*Eucalyptus obliqua*), and understorey tree species Blackwood (*Acacia melanoxylon*).

All trees were assigned a habitat value. This value allowed a more considered approach to tree impacts, seeking to avoid the high habitat value trees. Tables C1-C3 in Appendix C provide the rankings for each of the trees into high, medium and low habitat values. These ranking were based on assessments of the following individual tree attributes:

- Indigenous tree
- Part of a patch > 0.5 ha
- Large tree with large healthy canopy (provides good foraging, nesting and safe cover/roosting usage)
- Large tree species with especially nectar-rich flowering resource (e.g. ironbarks, spotted gums, yellow gums)
- Large tree with hollows
- Medium or larger tree without hollows but with poor structure (likely to shed branches or decay to form hollows at an earlier age than normal)
- Tree species is affiliated to locally rare species
- Rare species likely to use the tree

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Table 1. Tree details for the trees within the subject area.

Proposal under Clause 52.17	TMP Details	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Conservation Value
Retain		Retain, roadside, no impact	1	Messmate	<i>Eucalyptus obliqua</i>	39.8	4.8	7	5	P	F	VN		Low
Retain		Retain, roadside, no impact	2	Messmate	<i>Eucalyptus obliqua</i>	28.6	3.4	9	6	F	F	VN		Medium
Retain		Retain, roadside, no impact	3	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	74.2	8.9	11	12	F	F	VN	Y	High
Retain		Retain, roadside, no impact	5	Messmate	<i>Eucalyptus obliqua</i>	77.0	9.2	12	12	F	P	VN	y	High
Retain		Retain, roadside, no impact	6	Messmate	<i>Eucalyptus obliqua</i>	103.8	12.5	13	14	P	F	VN	y	High
Retain		Retain, Reserve 1	7	Messmate	<i>Eucalyptus obliqua</i>	19.0	2.3	7	8	F	F	VN		Low
Retain		Retain, Reserve 1	8	Messmate	<i>Eucalyptus obliqua</i>	39.1	4.7	8	7	F	F	VN		Low
Retain		Retain, Reserve 1	9	Messmate	<i>Eucalyptus obliqua</i>	35.6	4.3	8	7	F	F	VN		Low
Lost Zone A	TMP to protect TPZ area within Lot 11	Retain, Reserve 1	10	Messmate	<i>Eucalyptus obliqua</i>	63.0	7.6	12	14	F	F	VN		Low
Retain		Retain, Reserve 1	11	Messmate	<i>Eucalyptus obliqua</i>	26.0	3.1	10	7	F	F	VN		Low
Retain		Retain, Reserve 1	12	Messmate	<i>Eucalyptus obliqua</i>	24.0	2.9	10	9	F	F	VN		Low
Lost Zone A		Retain, Reserve 1	13	Messmate	<i>Eucalyptus obliqua</i>	48.0	5.8	10	10	F	F	VN		Low
Lost Zone A	TMP to protect TPZ area within Lot 12	Retain, Reserve 1	14	Messmate	<i>Eucalyptus obliqua</i>	12.0	2.0	7	2	F	F	VN		Low
Retain		Retain, Reserve 1	15	Messmate	<i>Eucalyptus obliqua</i>	46.5	5.6	11	7	P	F	VN		Low
Retain		Retain, Reserve 1	16	Messmate	<i>Eucalyptus obliqua</i>	22.0	2.6	7	5	P	P	VN		Low
Retain		Retain, Reserve 1	17	Messmate	<i>Eucalyptus obliqua</i>	19.0	2.3	10	7	F	P	VN		Low
Retain		Retain, Reserve 1	18	Messmate	<i>Eucalyptus obliqua</i>	32.8	3.9	9	6	F	F	VN		Low
Lost Zone A	TMP to protect TPZ area within Lot 12	Retain, Reserve 1	19	Messmate	<i>Eucalyptus obliqua</i>	46.1	5.5	13	10	F	F	VN		Low
Lost Zone A	TMP to protect TPZ area within Lot 12	Retain, Lot 12	20	Messmate	<i>Eucalyptus obliqua</i>	34.7	4.2	12	11	F	F	VN		Low
Lost Zone C	TMP to protect TPZ area within Lot 12	Retain, Reserve 1	21	Messmate	<i>Eucalyptus obliqua</i>	76.7	9.2	14	15	F	F	VN	y	Medium
Lost Zone C	TMP to protect TPZ area within Lots 12 and 13	Retain, Lot 13	22	Blackwood	<i>Acacia melanoxylon</i>	22.0	2.6	8	6	G	G	VN		Low

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Proposal under Clause 52.17	TMP Details	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Conservation Value
Lost Zone C	TMP to protect TPZ area within Lot 13	Retain, Lot 13	23	Messmate	<i>Eucalyptus obliqua</i>	53.2	6.4	13	10	F	F	VN		Low
Lost Zone C	TMP to protect TPZ area within Lot 14	Retain, Lot 14	24	Messmate	<i>Eucalyptus obliqua</i>	29.6	3.6	11	5	F	F	VN		Low
Retain	TMP to protect TPZ area within Lot 14	Retain, Municipal Reserve	25	Messmate	<i>Eucalyptus obliqua</i>	44.9	5.4	12	5	F	F	VN		Low
Retain	Poor health, low value, no TMP proposed	Retain, Municipal Reserve	26	Messmate	<i>Eucalyptus obliqua</i>	32.5	3.9	11	5	P	F	VN		Low
Lost Zone B	Dead tree, low value, no TMP proposed	Retain, Lot 17	27	Messmate	<i>Eucalyptus obliqua</i>	49.0	5.9	10	5	D	P	VN		Low
Lost Zone B	Poor health, low value, no TMP proposed	Retain, Lot 17	28	Messmate	<i>Eucalyptus obliqua</i>	37.0	4.4	7	9	P	P	VN		Low
N/A		Retain, Lot 17	29	Cypress		40.0	4.8	7	11	F	P	Exotic		Low
Lost Zone B	Dead tree, medium value, likely to fail in future, no TMP proposed	Retain, Lot 17	30	Messmate	<i>Eucalyptus obliqua</i>	93.3	11.2	14	9	D	F	VN	y	Medium
Lost Zone B	TMP to protect TPZ area within Lot 17	Retain, Lot 17	31	Messmate	<i>Eucalyptus obliqua</i>	82.4	9.9	14	12	F	F	VN	y	Medium
Lost Zone B	Dead tree, likely to fail in future, no TMP proposed.	Retain, Lot 17	32	Messmate	<i>Eucalyptus obliqua</i>	114.3	13.7	12	9	D	F	VN	y	High
Lost Zone B		Remove, Dwelling Envelope Lot 17	33	Messmate	<i>Eucalyptus obliqua</i>	43.0	5.2	10	8	D	P	VN		Low
Lost Zone B		Remove, new road	34	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	45.8	5.5	10	9	G	G	VN		Low
Lost Zone B		Remove, new road	35	Messmate	<i>Eucalyptus obliqua</i>	72.6	8.7	12	12	G	G	VN	y	High
Lost Zone B		Remove, new road	36	Messmate	<i>Eucalyptus obliqua</i>	21.0	2.5	9	5	F	F	VN		Low
Lost Zone B		Remove, new road	37	Messmate	<i>Eucalyptus obliqua</i>	20.0	2.4	10	9	F	F	VN		Low
Lost Zone B		Remove, new road	38	Messmate	<i>Eucalyptus obliqua</i>	35.0	4.2	11	11	F	F	VN		Low
Lost Zone B		Remove, new road	39	Messmate	<i>Eucalyptus obliqua</i>	60.0	7.2	12	7	F-P	F	VN		Low
Lost Zone B		Remove, new road	40	Messmate	<i>Eucalyptus obliqua</i>	30.0	3.6	12	7	F	P	VN		Low
Lost Zone B		Remove, new road	41	Messmate	<i>Eucalyptus obliqua</i>	30.0	3.6	11	5	F	F	VN		Low
Lost Zone B		Remove, new road	42	Messmate	<i>Eucalyptus obliqua</i>	30.0	3.6	11	5	F	F	VN		Low

Tree Wishes Land Care Advice

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Proposal under Clause 52.17	any TMP Details	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Conservation Value
N/A		Remove, weed	43	Cootamundra Wattle	<i>Acacia baileyana</i>	15.0	2.0	8	7	F	F	Weed		Low
Lost Zone B		Remove, neighbouring lot	44	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	80.0	9.6	10	9	F	F	VN	y	Medium
N/A		Remove Dwelling Envelope Lot 1	45	Variegated Sweet Pittosporum	<i>Pittosporum undulatum</i> 'Variegatum'	n/a	7.0	7	7	G	G	E		Low
N/A		Remove Dwelling Envelope Lot 1	46	Variegated Sweet Pittosporum	<i>Pittosporum undulatum</i> 'Variegatum'	n/a	7.0	7	7	G	G	E		Low
N/A		Remove Dwelling Envelope Lot 1	47	Variegated Sweet Pittosporum	<i>Pittosporum undulatum</i> 'Variegatum'	n/a	7.0	6	6	G	G	E		Low
N/A		Remove Dwelling Envelope Lot 1	48	Deciduous tree	<i>n/a</i>	31.2	3.7	9	8	G	G	E		Low
N/A		Remove Dwelling Envelope Lot 1	49	Deciduous tree	<i>n/a</i>	29.3	3.5	9	9	G	G	E		Low
N/A		Remove Dwelling Envelope Lot 1	50	Deciduous tree	<i>n/a</i>	11.0	2.0	3	2	G	G	E		Low
N/A		Remove Dwelling Envelope Lot 1	51	Cootamundra Wattle	<i>Acacia baileyana</i>	15.0	2.0	7	7	F	P	E		Low
Lost Scattered Tree		Remove Dwelling Envelope Lot 1	52	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	69.7	8.4	10	12	G	F	VN		Medium
N/A Existing rights under 10/30 rule to remove		Remove Driveway Entry 2	53	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	90.0	10.8	14	10	G	G	VN	y	High
Retain	TMP to protect TPZ area within Lot 2	Retain, Neighbouring Lot	54	Messmate	<i>Eucalyptus obliqua</i>	58.9	7.1	15	15	F	F	VN		Medium
Retain	TMP to protect TPZ area within Lot 2	Retain, Neighbouring Lot	55	Messmate	<i>Eucalyptus obliqua</i>	52.5	6.3	14	13	F	F	VN		Medium
N/A		Remove Dwelling Envelope Lot 3	56	Chinese Elm	<i>Ulmus parvifolia</i>	32.0	3.8	7	9	G	G	E		Low
N/A		Remove Dwelling Envelope Lot 4	57	Desert Ash	<i>Fraxinus angustifolia</i>	24.0	2.9	7	9	F	F	E		Low
N/A		Remove Driveway Lot 4. Road construction.	58	Oak	<i>Quercus sp.</i>	62.4	7.5	10	12	G	G	E		Low
N/A		Remove, new road	59	Radiata Pine	<i>Pinus radiata</i>	94.5	11.3	19	14	F	F	E		Low

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Proposal under Clause 52.17	any TMP Details	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Conservation Value
Lost Zone B		Remove, new road	60	Messmate	<i>Eucalyptus obliqua</i>	54.4	6.5	8	11	F	F	VN		Low
Lost Zone B		Remove, new road	61	Messmate	<i>Eucalyptus obliqua</i>	95.8	11.5	15	12	F-P	F	VN	y	Medium
Lost Zone B		Remove, new road	62	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	57.6	6.9	12	9	F	P	VN		Low
Lost Scattered Tree		Remove, new road	63	Dead Eucalypt		103.4	12.4	10	4	D	P	VN	y	Medium
Lost Scattered Tree		Remove, new road	64	Dead Eucalypt		92.0	11.0	10	4	D	P	VN	y	Medium
Lost Scattered Tree		Remove Driveway entry Lot 16. Boundary between lot 16 and 18	65	Dead Eucalypt		88.8	10.7	12	12	D	P	VN	y	Medium
Lost Scattered Tree	Dead tree, likely to fail in future, no TMP proposed.	Retain, Lot 15	66	Dead Eucalypt		103.4	12.4	12	12	D	P	VN	y	Low
Lost Scattered Tree		Remove, Dwelling Envelope Lot 15 and Road	67	Dead Eucalypt		86.6	10.4	12	14	D	F	VN	y	Low
Lost Zone C		Remove Dwelling Envelope Lot 8	68	Messmate	<i>Eucalyptus obliqua</i>	92.0	11.0	16	13	P	F	VN	y	Medium
Lost Zone C		Remove Dwelling Envelope Lot 8	69	Messmate	<i>Eucalyptus obliqua</i>	108.8	13.1	7	7	D	P	VN	y	Low
Retain	Section 173 Covenant to protect as part of a patch. TMP to protect TPZ area within Lots 7 and 8. TMP to protect TPZ during infill works of the dam on lots 6 and 7	Retain, Lot 10	70	Messmate	<i>Eucalyptus obliqua</i>	114.3	13.7	12	15	F	P	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	71	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	47.1	5.7	10	8	G	F	VN		Medium
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	72	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	67.2	8.1	8	8	F	F	VN		Medium
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	73	Messmate	<i>Eucalyptus obliqua</i>	97.1	11.6	15	15	G	G	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	74	Messmate	<i>Eucalyptus obliqua</i>	84.3	10.1	15	16	F	G	VN	y	High
Lost Scattered Tree	TMP to protect TPZ area within Lot 10. TMP to protect TPZ area within Lot 8	Retain, Lot 10	75	Messmate	<i>Eucalyptus obliqua</i>	85.6	10.3	17	13	F	G	VN	y	High

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Proposal under Clause 52.17	TMP Details	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Conservation Value
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	76	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	60.2	7.2	14	8	P	F	VN		Low
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	77	Messmate	<i>Eucalyptus obliqua</i>	87.8	10.5	20	16	G	G	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	78	Messmate	<i>Eucalyptus obliqua</i>	76.7	9.2	20	16	G	G	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	79	Messmate	<i>Eucalyptus obliqua</i>	83.1	10.0	20	15	G	G	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	80	Messmate	<i>Eucalyptus obliqua</i>	91.0	10.9	20	10	P	F	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	81	Messmate	<i>Eucalyptus obliqua</i>	64.0	7.7	20	8	P	F	VN		Low
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	82	Messmate	<i>Eucalyptus obliqua</i>	112.3	13.5	20	15	G	G	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 9	Retain, Lot 9	83	Messmate	<i>Eucalyptus obliqua</i>	94.8	11.4	15	12	D	F	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	84	Messmate	<i>Eucalyptus obliqua</i>	89.4	10.7	20	16	G	G	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	85	Messmate	<i>Eucalyptus obliqua</i>	84.7	10.2	20	16	G	G	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 9	Retain on Lot 9 with impacts to TPZ from boundary fence	86	Messmate	<i>Eucalyptus obliqua</i>	73.5	8.8	19	12	P	F	VN	y	Medium
Lost Zone D	TMP to protect TPZ area within Lots 9 and 10	Retain, Lot 10	87	Messmate	<i>Eucalyptus obliqua</i>	102.5	12.3	19	19	F	G	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 9.	Retain, Lot 10	88	Messmate	<i>Eucalyptus obliqua</i>	60.8	7.3	18	13	G	G	VN		Low
Lost Zone D		Remove Dwelling Envelope Lot 10	89	Messmate	<i>Eucalyptus obliqua</i>	44.2	5.3	18	13	G	G	VN		Low
Lost Zone D		Remove Dwelling Envelope Lot 10	90	Messmate	<i>Eucalyptus obliqua</i>	57.6	6.9	17	14	G	F	VN		Low
Lost Zone C		Remove Dwelling Envelope Lot 9	91	Messmate	<i>Eucalyptus obliqua</i>	14.0	2.0	5	3	G	F	VN		Low
Lost Zone C		Remove Dwelling Envelope Lot 9	92	Messmate	<i>Eucalyptus obliqua</i>	24.0	2.9	10	7	P	F	VN		Low
Lost Zone C		Remove, new road	93	Messmate	<i>Eucalyptus obliqua</i>	85.6	10.3	17	9	D	F	VN	y	Medium

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Proposal under Clause 52.17	any TMP details	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Conservation Value
Lost Zone C		Remove, new road	94	Messmate	<i>Eucalyptus obliqua</i>	120.3	14.4	20	18	P	F	VN	y	Medium
Lost Zone C	TMP to protect TPZ area within Lots 13 and 14. TMP to protect TPZ within Road Reserve.	Remove Dwelling Envelope Lot 14 and new road	95	Messmate	<i>Eucalyptus obliqua</i>	108.8	13.1	19	18	G	G	VN	y	High
Lost Zone C		Remove Dwelling Envelope Lot 14	96	Messmate	<i>Eucalyptus obliqua</i>	86.6	10.4	19	7	D	F	VN	y	Medium
Lost Zone C		Remove Dwelling Envelope Lot 14	97	Messmate	<i>Eucalyptus obliqua</i>	62.7	7.5	15	9	F	F	VN		Low
Lost Zone B	TMP to protect TPZ area within Lots 16 and 17	Retain, Lot 16	98	Messmate	<i>Eucalyptus obliqua</i>	112.0	13.4	20	18	F	F	VN	y	Medium
Lost Zone C	TMP to protect TPZ area within Lot 14	Retain, Lot 14	99	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	86.3	10.4	19	15	G	F	VN	y	High
Lost Zone C	Dead tree, likely to fail in future, no TMP proposed.	Retain, Lot 16	100	Messmate	<i>Eucalyptus obliqua</i>	76.4	9.2	14	10	D	P	VN	y	Medium
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 16	101	Messmate	<i>Eucalyptus obliqua</i>	63.0	7.6	14	7	D	P	VN		Low
Lost Zone C	Poor health, medium value, likely to fail in future, no TMP proposed.	Retain, Lot 16	102	Messmate	<i>Eucalyptus obliqua</i>	92.6	11.1	15	15	P	F	VN	y	Medium
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 16	103	Messmate	<i>Eucalyptus obliqua</i>	54.1	6.5	3	2	D	P	VN		Low
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 14	104	Messmate	<i>Eucalyptus obliqua</i>	54.7	6.6	6	2	D	P	VN		Low
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 14	105	Messmate	<i>Eucalyptus obliqua</i>	81.8	9.8	19	16	D	F	VN	y	Medium
Lost Zone C	TMP to protect TPZ area within Lots 13 and 14.	Retain, Lot 14	106	Messmate	<i>Eucalyptus obliqua</i>	83.1	10.0	20	17	P	F	VN	y	Medium
Lost Zone C		Remove Dwelling Envelope Lot 14	107	Messmate	<i>Eucalyptus obliqua</i>	109.5	13.1	22	16	F	F	VN	y	Medium
Lost Zone C		Remove Dwelling Envelope Lot 13	108	Messmate	<i>Eucalyptus obliqua</i>	89.4	10.7	16	15	P	F	VN	y	Medium
Lost Zone C		Remove Dwelling Envelope Lot 12	109	Messmate	<i>Eucalyptus obliqua</i>	133.0	16.0	23	14	G	F	VN	y	High
Lost Zone C		Remove Dwelling Envelope Lot 12	110	Messmate	<i>Eucalyptus obliqua</i>	86.9	10.4	20	7	D	F	VN	y	Medium
Lost Zone C		Remove, new road	111	Messmate	<i>Eucalyptus obliqua</i>	93.3	11.2	24	14	D	F	VN	y	Medium

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Proposal under Clause 52.17	any TMP details	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Conservation Value
Lost Zone C		Remove, new road	112	Messmate	<i>Eucalyptus obliqua</i>	80.2	9.6	20	10	D	F	VN	y	Medium
Lost Zone C		Remove, new road	113	Messmate	<i>Eucalyptus obliqua</i>	77.0	9.2	20	12	P	P	VN	y	Medium
Lost Zone A		Remove Dwelling Envelope Lot 11	114	Messmate	<i>Eucalyptus obliqua</i>	97.1	11.6	20	12	D	F	VN	y	Medium
Lost Zone A	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 11	115	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	32.0	3.8	6	5	D	P	VN		Low
Lost Zone A	Poor health, low value, likely to fail in future, no TMP proposed.	Retain, Lot 11	116	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	64.3	7.7	9	9	P	F	VN		Low
Lost Zone A	Dead tree, medium value, likely to fail in future, no TMP proposed.	Retain, Lot 11	117	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	92.9	11.2	20	12	D	P	VN	y	Medium
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	118	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	51.6	6.2	8	9	P	F	VN		Low
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	119	Messmate	<i>Eucalyptus obliqua</i>	63.7	7.6	12	15	F	F	VN		Medium
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	120	Messmate	<i>Eucalyptus obliqua</i>	75.1	9.0	13	14	G	F	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	121	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	55.7	6.7	13	12	F	F	VN		Medium
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	122	Messmate	<i>Eucalyptus obliqua</i>	112.0	13.4	14	12	F	G	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	123	Messmate	<i>Eucalyptus obliqua</i>	70.0	8.4	14	15	F	F	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	124	Messmate	<i>Eucalyptus obliqua</i>	100.3	12.0	15	15	P	F	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	125	Messmate	<i>Eucalyptus obliqua</i>	99.3	11.9	15	15	G	F	VN	y	High
Retain	Section 173 Covenant to protect as part of a patch	Retain, Lot 10	126	Messmate	<i>Eucalyptus obliqua</i>	104.1	12.5	14	15	F	F	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	127	Messmate	<i>Eucalyptus obliqua</i>	120.3	14.4	15	10	G	F	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	128	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	76.1	9.1	15	11	G	F	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain on Lot 10 with impacts to TPZ from boundary fence	129	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	37.9	4.5	14	12	G	F	VN		Medium

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Proposal under Clause 52.17	TMP Details	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Conservation Value
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	130	Messmate	<i>Eucalyptus obliqua</i>	76.4	9.2	14	12	F	F	VN	y	High
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	131	Messmate	<i>Eucalyptus obliqua</i>	55.1	6.6	8	9	P	P	VN		Medium
Lost Zone D	TMP to protect TPZ area within Lot 10	Retain, Lot 10	132	Messmate	<i>Eucalyptus obliqua</i>	49.6	6.0	8	9	F	F	VN		Low
Lost Zone E		Remove, dam deconstruction, Lot 7	133	Messmate	<i>Eucalyptus obliqua</i>	42.3	5.1	9	6	F	F	VN		Low
Lost Zone E		Remove, dam deconstruction, Lot 6	134	Messmate	<i>Eucalyptus obliqua</i>	46.8	5.6	14	12	F	F	VN		Low
Lost Zone B	TMP to protect TPZ area within Lot 16	Retain, Municipal Reserve	135	Messmate	<i>Eucalyptus obliqua</i>	60.2	7.2	15	12	F	F	VN		Medium
Lost Zone A	TMP to protect TPZ area within Lot 11	Retain, Lot 11	136	Messmate	<i>Eucalyptus obliqua</i>	72.6	8.7	12	12	G	F	VN	y	High
Lost Zone A	TMP to protect TPZ area within Lot 11	Retain, Lot 11	137	Messmate	<i>Eucalyptus obliqua</i>	53.2	6.4	12	10	G	F	VN		Medium
Lost Zone A		Remove, new road	138	Messmate	<i>Eucalyptus obliqua</i>	37.9	4.5	9	9	F	F	VN		Low
Lost Zone A		Remove, new road	139	Messmate	<i>Eucalyptus obliqua</i>	40.7	4.9	11	8	F	F	VN		Low
Lost Zone A		Remove, new road	140	Messmate	<i>Eucalyptus obliqua</i>	34.7	4.2	10	6	F	F	VN		Low
Lost Zone A		Remove, new road	141	Messmate	<i>Eucalyptus obliqua</i>	27.1	3.2	10	3	P	F	VN		Low
Lost Zone A		Remove, new road	142	Messmate	<i>Eucalyptus obliqua</i>	34.7	4.2	12	9	F	F	VN		Low
Lost Zone A		Remove, new road	143	Messmate	<i>Eucalyptus obliqua</i>	16.5	2.0	12	3	F	F	VN		Low
Lost Zone A		Remove, new road	144	Messmate	<i>Eucalyptus obliqua</i>	29.6	3.6	12	3	F	F	VN		Low
Lost Zone A		Remove, new road	145	Messmate	<i>Eucalyptus obliqua</i>	32.1	3.9	12	7	P	F	VN		Low
Lost Zone A		Remove, new road	146	Messmate	<i>Eucalyptus obliqua</i>	37.2	4.5	12	8	F	F	VN		Low
Lost Zone A		Remove, new road	147	Messmate	<i>Eucalyptus obliqua</i>	38.8	4.7	12	10	G	F	VN		Low
Lost Zone A		Remove, new road	148	Messmate	<i>Eucalyptus obliqua</i>	42.3	5.1	13	10	G	F	VN		Low
Lost Zone A		Remove, new road	149	Messmate	<i>Eucalyptus obliqua</i>	53.5	6.4	12	9	F	F	VN		Low
Lost Zone A		Remove, new road	150	Messmate	<i>Eucalyptus obliqua</i>	33.1	4.0	9	8	F	F	VN		Low
Lost Zone A		Remove, new road	151	Messmate	<i>Eucalyptus obliqua</i>	32.8	3.9	10	9	G	F	VN		Low
Lost Zone C	Fair health, poor structure, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12	152	Messmate	<i>Eucalyptus obliqua</i>	57.0	6.8	10	12	F	P	VN		Low

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Proposal under Clause 52.17	TMP Details	Proposal	No.	Common Name	Species Name	DBH	TPZ	Height	Width	Health	Structure	Origin	Large Old Tree	Conservation Value
Lost Zone C	Dead tree, medium value, likely to fail in future, no TMP proposed.	Retain, Lot 12	153	Messmate	<i>Eucalyptus obliqua</i>	103.4	12.4	12	10	D	F	VN	y	Medium
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12	154	Messmate	<i>Eucalyptus obliqua</i>	21.3	2.6	12	6	D	F	VN		Low
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12	155	Messmate	<i>Eucalyptus obliqua</i>	39.5	4.7	12	6	D	P	VN		Low
Lost Zone C	TMP to protect TPZ area within Lot 12	Retain, Lot 12	156	Messmate	<i>Eucalyptus obliqua</i>	80.2	9.6	14	12	F	F	VN	y	Medium
Lost Zone C	Fair health, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12	157	Messmate	<i>Eucalyptus obliqua</i>	45.2	5.4	8	9	F	F	VN		Low
Lost Zone C	Fair health, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12	158	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	55.1	6.6	10	12	F	F	VN		Low
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 13	159	Messmate	<i>Eucalyptus obliqua</i>	23.2	2.8	12	6	D	F	VN		Low
Lost Zone C	Poor health, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12	160	Messmate	<i>Eucalyptus obliqua</i>	66.5	8.0	7	9	P	F	VN		Low
Lost Zone C	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 13	161	Messmate	<i>Eucalyptus obliqua</i>	78.6	9.4	14	12	D	F	VN	y	Medium
Lost Zone C		Remove Dwelling Envelope Lot 13	162	Messmate	<i>Eucalyptus obliqua</i>	59.5	7.1	14	12	D	F	VN		Low
Lost Zone C		Remove Dwelling Envelope Lot 13	163	Messmate	<i>Eucalyptus obliqua</i>	66.2	7.9	14	10	D	F	VN		Low
Lost Zone C		Remove Dwelling Envelope Lot 13	164	Messmate	<i>Eucalyptus obliqua</i>	50.3	6.0	13	10	F	F	VN		Low
Lost Zone C		Remove Dwelling Envelope Lot 13	165	Messmate	<i>Eucalyptus obliqua</i>	41.7	5.0	11	10	G	F	VN		Low
Lost Zone C		Remove, new road	166	Messmate	<i>Eucalyptus obliqua</i>	38.5	4.6	11	7	D	F	VN		Low
Retain		Retain, roadside, no impact	4a	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	15.0	2.0	4	4	F	F	VN		Low
Retain		Retain, roadside, no impact	4b	Messmate	<i>Eucalyptus obliqua</i>	15.0	2.0	6	2	F	F	VN		Low
Retain		Retain, roadside, no impact	4c	Silver Wattle	<i>Acacia dealbata</i>	20.0	2.4	8	9	F	P	VN		Low

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3 Proposed Works

3.1 Tree Removals

Tree removals will take place in three ways:

1. Victorian Native trees that will be lost under Clause 52.17 but retained on-site with Tree Protection Management Plans under on-title agreements.
2. Victorian Native Trees which will be removed directly for the road, driveways and dwelling envelopes.
3. Trees that are exempt under Clause 52.17 (not Victorian Native, weed or exempt for defensible space).

In total 72 trees will be removed, for the road, driveways and dwelling envelopes. This is made up of 59 Victorian Natives, 5 Australian Natives and 8 Exotic trees.

3.1.1 Trees Lost Under Clause 52.17

Victorian native trees (dead or alive) are protected under Clause 52.17 of the Macedon Ranges Shire planning scheme. An exemption to this protection exists for sites < 4000 m². Any proposal to subdivide that creates lots < 4000 m² will render those trees consequentially impacted and therefore assumed to be lost.

Some 110 trees as detailed in Table 2 below, will be lost under Clause 52.17. Of these 110 trees:

- 59 will be removed to make way for dwelling envelopes, the new road and other infrastructure.
- 28 will be retained on lots or within a reserve and have their TPZ's protected with Tree Protection Management Plans (TPMP) under on-title agreements.
- 23 will be retained on lots with no covenants. These trees are dead, or in poor health and likely to fail soon, and as such long-term protection is not practical.

Table 2 Trees proposed for removal under Clause 52.17

No.	Common Name	Species Name	Habitat Value	Proposal
10	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Reserve 1
13	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Reserve 1
14	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Reserve 1
19	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Reserve 1
20	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 12
21	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Reserve 1
22	Blackwood	<i>Acacia melanoxylon</i>	Low	Retain, Lot 13
23	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 13
24	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 14

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		Species Name	Habitat Value	Proposal
27	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 17
28	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 17
30	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Lot 17
31	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Lot 17
32	Messmate	<i>Eucalyptus obliqua</i>	High	Retain, Lot 17
33	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, Dwelling Envelope Lot 17
34	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Low	Remove, new road
35	Messmate	<i>Eucalyptus obliqua</i>	High	Remove, new road
36	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
37	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
38	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
39	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
40	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
41	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
42	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
44	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Medium	Remove, neighbouring lot
52	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Medium	Remove Dwelling Envelope Lot 1
60	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
61	Messmate	<i>Eucalyptus obliqua</i>	Medium	Remove, new road
62	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Low	Remove, new road
63	Dead Eucalypt		Medium	Remove, new road
64	Dead Eucalypt		Medium	Remove, new road
65	Dead Eucalypt		Medium	Remove Driveway entry Lot 16. Boundary between lot 16 and 18
66	Dead Eucalypt		Low	Retain, Lot 15
67	Dead Eucalypt		Low	Remove, Dwelling Envelope Lot 15 and Road
68	Messmate	<i>Eucalyptus obliqua</i>	Medium	Remove Dwelling Envelope Lot 8
69	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove Dwelling Envelope Lot 8
75	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
83	Messmate	<i>Eucalyptus obliqua</i>	High	Retain, Lot 9
86	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain on Lot 9 with impacts to TPZ from boundary fence
87	Messmate	<i>Eucalyptus obliqua</i>	High	Retain, Lot 10

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		Species Name	Habitat Value	Proposal
88	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 10
89	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove Dwelling Envelope Lot 10
90	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove Dwelling Envelope Lot 10
91	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove Dwelling Envelope Lot 9
92	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove Dwelling Envelope Lot 9
93	Messmate	<i>Eucalyptus obliqua</i>	Medium	Remove, new road
94	Messmate	<i>Eucalyptus obliqua</i>	Medium	Remove, new road
95	Messmate	<i>Eucalyptus obliqua</i>	High	Remove Dwelling Envelope Lot 14 and new road
96	Messmate	<i>Eucalyptus obliqua</i>	Medium	Remove Dwelling Envelope Lot 14
97	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove Dwelling Envelope Lot 14
98	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Lot 16
99	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	High	Retain, Lot 14
100	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Lot 16
101	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 16
102	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Lot 16
103	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 16
104	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 14
105	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Lot 14
106	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Lot 14
107	Messmate	<i>Eucalyptus obliqua</i>	Medium	Remove Dwelling Envelope Lot 14
108	Messmate	<i>Eucalyptus obliqua</i>	Medium	Remove Dwelling Envelope Lot 13
109	Messmate	<i>Eucalyptus obliqua</i>	High	Remove Dwelling Envelope Lot 12
110	Messmate	<i>Eucalyptus obliqua</i>	Medium	Remove Dwelling Envelope Lot 12
111	Messmate	<i>Eucalyptus obliqua</i>	Medium	Remove, new road
112	Messmate	<i>Eucalyptus obliqua</i>	Medium	Remove, new road
113	Messmate	<i>Eucalyptus obliqua</i>	Medium	Remove, new road
114	Messmate	<i>Eucalyptus obliqua</i>	Medium	Remove Dwelling Envelope Lot 11
115	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Low	Retain, Lot 11
116	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Low	Retain, Lot 11
117	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Medium	Retain, Lot 11
127	Messmate	<i>Eucalyptus obliqua</i>	High	Retain, Lot 10
128	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	High	Retain, Lot 10

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	Common Name	Species Name	Habitat Value	Proposal
129	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Medium	Retain on Lot 10 with impacts to TPZ from boundary fence
130	Messmate	<i>Eucalyptus obliqua</i>	High	Retain, Lot 10
131	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Lot 10
132	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 10
133	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, dam deconstruction, Lot 7
134	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, dam deconstruction, Lot 6
135	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Municipal Reserve
136	Messmate	<i>Eucalyptus obliqua</i>	High	Retain, Lot 11
137	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Lot 11
138	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
139	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
140	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
141	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
142	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
143	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
144	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
145	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
146	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
147	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
148	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
149	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
150	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
151	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road
152	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 12
153	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Lot 12
154	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 12
155	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 12
156	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Lot 12
157	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 12
158	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Low	Retain, Lot 12
159	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 13
160	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Lot 12

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	Common Name	Species Name	Habitat Value	Proposal
161	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Lot 13
162	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove Dwelling Envelope Lot 13
163	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove Dwelling Envelope Lot 13
164	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove Dwelling Envelope Lot 13
165	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove Dwelling Envelope Lot 13
166	Messmate	<i>Eucalyptus obliqua</i>	Low	Remove, new road

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3.1.2 Trees which are exempt under Clause 52.17

There are 14 trees exempt under Clause 52.17, detailed in Table 3 below and including:

- One Victorian Native - Tree 53 - will be removed under existing 10/30 (defendable space) rights.
- Seven exotic trees will be removed,
- Five Australian Natives including known weed trees will be removed.

Of the trees exempt under Clause 52.17, one - Tree 29 - will be retained.

Table 3. Trees which are exempt under Clause 52.17

No.	Common Name	Species Name	Origin*	Habitat Value	Proposal
45	Variegated Sweet Pittosporum	<i>Pittosporum undulatum</i> 'Variegatum	AN	Low	Remove Dwelling Envelope Lot 1
46	Variegated Sweet Pittosporum	<i>Pittosporum undulatum</i> 'Variegatum	AN	Low	Remove Dwelling Envelope Lot 1
47	Variegated Sweet Pittosporum	<i>Pittosporum undulatum</i> 'Variegatum	AN	Low	Remove Dwelling Envelope Lot 1
48	Deciduous tree	n/a	E	Low	Remove Dwelling Envelope Lot 1
49	Deciduous tree	n/a	E	Low	Remove Dwelling Envelope Lot 1
50	Deciduous tree	n/a	E	Low	Remove Dwelling Envelope Lot 1
51	Cootamundra Wattle	<i>Acacia baileyana</i>	AN, Weed	Low	Remove Dwelling Envelope Lot 1, Weed
56	Chinese Elm	<i>Ulmus parvifolia</i>	E	Low	Remove Dwelling Envelope Lot 3
57	Desert Ash	<i>Fraxinus angustifolia</i>	E	Low	Remove Dwelling Envelope Lot 4
58	Oak	<i>Quercus sp.</i>	E	Low	Remove Driveway Lot 4. Road construction.
59	Radiata Pine	<i>Pinus radiata</i>	E	Low	Remove, new road
43	Cootamundra Wattle	<i>Acacia baileyana</i>	AN, Weed	Low	Remove, weed
29	Cypress		E	Low	Retain, Lot 17
53	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	VN	High	Remove Driveway Entry 2

*AN – Australian native, E – Exotic

3.2 Tree Retentions

There are 44 trees retained under Clause 52.17 protocols (the development will avoided impact).

A further 51 trees that have been assumed lost under 52.17 will be retained through practical retention. Table 5 shows that 28 of these (mainly the high ecological value trees) will be proactively managed through formal plans and 23 others will not be directly impacted by the subdivision development.

Therefore, there are 95 trees that the design is determined to retain as part of the development. These retentions are divided into trees retained under Clause 52.17, and other trees retained through practical retention (see sections immediately below). These other trees retained will be considered lost under Clause 52.17, however, they will not be removed as part of the development.

3.2.1 Trees Retained under Clause 52.17

Some 44 trees will be retained with no impacts under Clause 52.17. These trees will be retained within a reserve, or within a lot > 4,000m². Table 4 below details these trees.

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Table 4. Trees to be retained under Clause 52.17 as part of the development

No.	Common Name	Species Name	Habitat Value	Proposal
1	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, roadside, no impact
2	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, roadside, no impact
3	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	High	Retain, roadside, no impact
5	Messmate	<i>Eucalyptus obliqua</i>	High	Retain, roadside, no impact
6	Messmate	<i>Eucalyptus obliqua</i>	High	Retain, roadside, no impact
7	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Reserve 1
8	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Reserve 1
9	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Reserve 1
11	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Reserve 1
12	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Reserve 1
15	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Reserve 1
16	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Reserve 1
17	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Reserve 1
18	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Reserve 1
25	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Municipal Reserve
26	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, Municipal Reserve
54	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Neighbouring Lot
55	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain, Neighbouring Lot
70	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
71	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Medium	Retain Reserve 3
72	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Medium	Retain Reserve 3
73	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
74	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
76	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Low	Retain Reserve 3
77	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3

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No.	Common Name	Species Name	Habitat Value	Proposal
78	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
79	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
80	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
81	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain Reserve 3
82	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
84	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
85	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
118	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Low	Retain Reserve 3
119	Messmate	<i>Eucalyptus obliqua</i>	Medium	Retain Reserve 3
120	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
121	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Medium	Retain Reserve 3
122	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
123	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
124	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
125	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
126	Messmate	<i>Eucalyptus obliqua</i>	High	Retain Reserve 3
4a	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Low	Retain, roadside, no impact
4b	Messmate	<i>Eucalyptus obliqua</i>	Low	Retain, roadside, no impact
4c	Silver Wattle	<i>Acacia dealbata</i>	Low	Retain, roadside, no impact

3.3.2 Other Trees Retained

A further 51 trees that have been assumed lost under 52.17 will be retained through practical retention. Table 5 shows that:

- 28 of these (mainly the high ecological value trees) will be proactively managed through formal plans whereby each tree's TPZ's will be protected by Tree Protection Management Plans (TPMP) with on-title agreements, and
- 23 others will not be directly impacted by the subdivision development. These will be retained on lots with no on-title agreements. These trees are dead, or in poor health and likely to fail soon, and as such long-term protection is not practical.

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Table 5. Other trees which will be retained as part of the development

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No.	Common Name	Species Name	Habitat Value	TPMP Details	Proposal
Trees retained without need of TPMP					
27	Messmate	<i>Eucalyptus obliqua</i>	Low	Dead tree, low value, no TMP proposed	Retain, Lot 17
28	Messmate	<i>Eucalyptus obliqua</i>	Low	Poor health, low value, no TMP proposed	Retain, Lot 17
30	Messmate	<i>Eucalyptus obliqua</i>	Medium	Dead tree, medium value, likely to fail in future, no TMP proposed	Retain, Lot 17
32	Messmate	<i>Eucalyptus obliqua</i>	High	Dead tree, likely to fail in future, no TMP proposed.	Retain, Lot 17
66	Dead Eucalypt		Low	Dead tree, likely to fail in future, no TMP proposed.	Retain, Lot 15
100	Messmate	<i>Eucalyptus obliqua</i>	Medium	Dead tree, likely to fail in future, no TMP proposed.	Retain, Lot 16
101	Messmate	<i>Eucalyptus obliqua</i>	Low	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 16
102	Messmate	<i>Eucalyptus obliqua</i>	Medium	Poor health, medium value, likely to fail in future, no TMP proposed.	Retain, Lot 16
103	Messmate	<i>Eucalyptus obliqua</i>	Low	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 16
104	Messmate	<i>Eucalyptus obliqua</i>	Low	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 14
105	Messmate	<i>Eucalyptus obliqua</i>	Medium	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 14
115	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Low	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 11
116	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Low	Poor health, low value, likely to fail in future, no TMP proposed.	Retain, Lot 11
117	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Medium	Dead tree, medium value, likely to fail in future, no TMP proposed.	Retain, Lot 11
152	Messmate	<i>Eucalyptus obliqua</i>	Low	Fair health, poor structure, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12
153	Messmate	<i>Eucalyptus obliqua</i>	Medium	Dead tree, medium value, likely to fail in future, no TMP proposed.	Retain, Lot 12
154	Messmate	<i>Eucalyptus obliqua</i>	Low	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12
155	Messmate	<i>Eucalyptus obliqua</i>	Low	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12
157	Messmate	<i>Eucalyptus obliqua</i>	Low	Fair health, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12
158	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Low	Fair health, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12
159	Messmate	<i>Eucalyptus obliqua</i>	Low	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 13

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	Common Name	Species Name	Habitat Value	TPMP Details	Proposal
160	Messmate	<i>Eucalyptus obliqua</i>	Low	Poor health, low value, likely to fail in future, no TMP proposed.	Retain, Lot 12
161	Messmate	<i>Eucalyptus obliqua</i>	Medium	Dead tree, low value, likely to fail in future, no TMP proposed.	Retain, Lot 13
Trees retained with need of TPMP					
10	Messmate	<i>Eucalyptus obliqua</i>	Low	TMP to protect TPZ area within Lot 11	Retain, Reserve 1
13	Messmate	<i>Eucalyptus obliqua</i>	Low	TMP to protect TPZ area within Lot 12	Retain, Reserve 1
14	Messmate	<i>Eucalyptus obliqua</i>	Low	TMP to protect TPZ area within Lot 12	Retain, Reserve 1
19	Messmate	<i>Eucalyptus obliqua</i>	Low	TMP to protect TPZ area within Lot 12	Retain, Reserve 1
20	Messmate	<i>Eucalyptus obliqua</i>	Low	TMP to protect TPZ area within Lot 12	Retain, Lot 12
21	Messmate	<i>Eucalyptus obliqua</i>	Medium	TMP to protect TPZ area within Lot 12	Retain, Reserve 1
22	Blackwood	<i>Acacia melanoxylon</i>	Low	TMP to protect TPZ area within Lots 12 and 13	Retain, Lot 13
23	Messmate	<i>Eucalyptus obliqua</i>	Low	TMP to protect TPZ area within Lot 13	Retain, Lot 13
24	Messmate	<i>Eucalyptus obliqua</i>	Low	TMP to protect TPZ area within Lot 14	Retain, Lot 14
31	Messmate	<i>Eucalyptus obliqua</i>	Medium	TMP to protect TPZ area within Lot 17	Retain, Lot 17
75	Messmate	<i>Eucalyptus obliqua</i>	High	TMP to protect TPZ area within Lot 10. TMP to protect TPZ area within Lot 8	Retain Reserve 3
83	Messmate	<i>Eucalyptus obliqua</i>	High	TMP to protect TPZ area within Lot 9	Retain, Lot 9
86	Messmate	<i>Eucalyptus obliqua</i>	Medium	TMP to protect TPZ area within Lot 9	Retain on Lot 9 with impacts to TPZ from boundary fence
87	Messmate	<i>Eucalyptus obliqua</i>	High	TMP to protect TPZ area within Lots 9 and 10	Retain, Lot 10
88	Messmate	<i>Eucalyptus obliqua</i>	Low	TMP to protect TPZ area within Lot 9.	Retain, Lot 10
98	Messmate	<i>Eucalyptus obliqua</i>	Medium	TMP to protect TPZ area within Lots 16 and 17	Retain, Lot 16
99	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	High	TMP to protect TPZ area within Lot 14	Retain, Lot 14
106	Messmate	<i>Eucalyptus obliqua</i>	Medium	TMP to protect TPZ area within Lots 13 and 14.	Retain, Lot 14
127	Messmate	<i>Eucalyptus obliqua</i>	High	TMP to protect TPZ area within Lot 10	Retain, Lot 10
128	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	High	TMP to protect TPZ area within Lot 10	Retain, Lot 10
129	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i>	Medium	TMP to protect TPZ area within Lot 10	Retain on Lot 10 with impacts to TPZ from boundary fence
130	Messmate	<i>Eucalyptus obliqua</i>	High	TMP to protect TPZ area within Lot 10	Retain, Lot 10

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	Common Name	Species Name	Habitat Value	TPMP Details	Proposal
131	Messmate	<i>Eucalyptus obliqua</i>	Medium	TMP to protect TPZ area within Lot 10	Retain, Lot 10
132	Messmate	<i>Eucalyptus obliqua</i>	Low	TMP to protect TPZ area within Lot 10	Retain, Lot 10
135	Messmate	<i>Eucalyptus obliqua</i>	Medium	TMP to protect TPZ area within Lot 16	Retain, Municipal Reserve
136	Messmate	<i>Eucalyptus obliqua</i>	High	TMP to protect TPZ area within Lot 11	Retain, Lot 11
137	Messmate	<i>Eucalyptus obliqua</i>	Medium	TMP to protect TPZ area within Lot 11	Retain, Lot 11
156	Messmate	<i>Eucalyptus obliqua</i>	Medium	TMP to protect TPZ area within Lot 12	Retain, Lot 12

4 Tree Protection Management Plans

Tree Protection Management Plans (TPMP) will be prepared by qualified arborists for those trees to be retained into the future. These trees will be retained on each lot using on-title agreements. TPMP will include the following:

- Species, health, structure and useful life expectancy.
- The Tree Protection Zone (TPZ) of the tree.
- The extent of impact, if any, within the TPZ.
- Measures to protect the trees during development in accordance with *AS 4970-2009 Protection of trees on development sites*.
- Types and methods of any fencing which may be required within the trees TPZ.
- Actions which can and cannot take place within the TPZ.

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Native trees and habitat values

Surveys recorded 169 trees across the site. Of these, some 156 of these are indigenous (Victorian natives) and are protected unless exempt.

Of these 156 trees, chart 1 below shows that the site is dominated by low habitat value trees:

- 73 (47%) are rated with low habitat value.
- 51 (33%) are rated with medium habitat value.
- 32 (21%) are rated with high habitat value.

Tree loss assessment

110 trees are to be removed.

Some 90% or 99 of these trees are native trees that are not high ecological value trees. Some 62% or 61 of these are of low ecological value.

This development design has clearly targeted the removal of low habitat value trees and the retention of high habitat value trees.

High ecological value trees

32 trees exist on site.

- 21 will be retained within reserves
- 11 of these are lost under clause 52.17
 - 8 of these 11 will be practically retained on site
 - 3 are unavoidably lost

Tree retention

95 trees are planned for retention. These trees will be retained through combinations of inclusion in public conservation reserves, arborist/ecologist prepared and covenanted plans on private land and where they avoid direct impact from the development (clear of driveways, envelopes and fences).

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6 Tree Descriptors

Health

Good	The tree is displaying excellent or outstanding growth. Foliage of tree is entire with good colour and tree is pest and disease free.
Fair	Tree is displaying good growth. Foliage of tree is entire. Minor pest and disease problems are present.
Poor	Tree is showing signs of decline and not growing to its full capacity. Canopy dieback/thinning may be seen. Large amounts of deadwood present. Substantial pest and disease problems.
Dead or Dying	Tree is in severe decline or dead. High amounts of deadwood, very little foliage, substantial pest and disease problems.

Structure

Good	The tree is well defined with a balanced crown. Trunk and scaffold branches show good taper and attachment with minor or no structural defects. Tree is a good example of the species, displaying no obvious root, pest or disease problems.
Fair	Tree displays minor structural defects or branch unions showing minor structural faults. The tree might be on a slight lean or show minor structural root damage. Tree could be seen as showing typical traits for the species.
Poor	Tree displaying major structural defects or damage to trunk. Branch unions may be poor or faulty at the point of attachment. Tree may have suffered root damage. Tree is structurally problematic.
Failed or Hazardous	Tree is an immediate hazard with potential to fail.

Arboricultural Significance Rating

High	Tree of high quality in good to fair condition. Tree of high amenity value. Tree of high habitat value. Generally a prominent arboricultural feature. Trees has potential to be a medium- to long-term component of the landscape if managed appropriately. Tree of heritage significance. Retention of tree highly desirable
Moderate	Tree of moderate quality, in fair or good condition. Tree of medium amenity value. Tree of medium habitat value. Tree may have a condition, and or structural problem that will respond to arboricultural treatment. Tree has potential to be a medium- to long-term component of the landscape if managed appropriately. Retention of tree generally desirable.
Low	Tree of low quality in poor health and/or with poor structure. Tree unlikely to respond positively to changes in its environment. Tree of low amenity value. Tree of low habitat value. Tree is not significant for its size and/or young. Trees is easily replaceable. Tree species is functionally inappropriate to specific location and would be expected to be problematic if retained. Retention of tree may be desirable.
None	Tree has a severe structural defect and/or poor health that cannot be sustained with practical arboricultural techniques. Loss of tree would be expected in the short term. Tree is a weed species.

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Long	<p>Trees that appear to be retainable with an acceptable level of risk for more than 40 years.</p> <ol style="list-style-type: none"> 1. Structurally sound trees located in positions that can accommodate future growth. 2. Storm damage or defective trees that could be made suitable for retention ion the long term by remedial pruning. 3. Trees of significance for historical, commemorative or rarity reasons that would warrant extraordinary efforts to secure their long-term retention.
Medium	<p>Trees that appear to be retainable with an acceptable level of risk for 15-40 years.</p> <ol style="list-style-type: none"> 1. Trees that may only live between 15-40 years. 2. Trees that may live for more than 40 years but would be removed to allow the safe development of more suitable individuals. 3. Trees that may live for more than 40 years but would be removed during the course of normal management for safety and nuisance reasons. 4. Storm damage or defective trees that can be made suitable for retention in the medium term by remedial work.
Short	<p>Trees that appear to be retainable with an acceptable level of risk for 5-15 years.</p> <ol style="list-style-type: none"> 1. Trees that may live for 5-15 years. 2. Trees that may live for more than 15 years, but would be removed to allow the safe development for more suitable individuals. 3. Trees that may live for more than 15 years but would be removed during the course of normal management for safety and nuisance reasons. 4. Storm damaged or defective trees that require substantial remedial work to make safe and are only suitable for retention in the short term.
Remove	<p>Trees with a high level of risk that would need removal within the next 5 years.</p> <ol style="list-style-type: none"> 1. Dead trees. 2. Dying or suppressed and declining trees through disease or inhospitable conditions. 3. Dangerous trees through instability or recent loss of adjacent trees. 4. Dangerous trees through structural defects including cavities, decay, included bark, wounds or poor form. 5. Damaged trees that are considered unsafe to retain. 6. Trees that will become dangerous after removal of other trees for the above reasons.

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Life Stage - Distinguishes the physiological stage of the tree's life cycle.	
Category	Description
Young (Y)	Sapling tree and/or recently planted.
Semi-mature (Sm)	Tree rapidly increasing in size and yet to achieve expected size in situation.
Maturing (M)	Specimen approaching expected size in situation, with reduced incremental growth.
Over-mature (OM)	Tree is senescent and in decline.

Origin - Identifies the general geographic origins of the tree species identified	
Category	Description
Victorian Native (VN)	Occurs naturally within some part of the State of Victoria.
Australian Native (AN)	Occurs naturally within Australia but is not a Victorian native.
Exotic (E)	Does not occur naturally within Australia.

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Bifurcation- The natural division of a branch or stem into two or more stems or parts.

Canker- Localised diseased area on stems, roots and branches, caused by fungal or bacterial organisms. Often shrunken and discoloured.

Cavity- An open wound, characterized by the presence of extensive decay and resulting in a hollow.

Co-dominant- Equal in size and relative importance, usually associated with either the trunk/stems or scaffold limbs/branches in the crown.

DBH- Diameter of the trunk, measured at breast height.

Decay- Process of degradation of woody tissues by fungi and bacteria through decomposition of cellulose and lignin.

Defect- Any structural weakness or deformity.

Dieback- Condition in which the branches in the tree crown die from the tips towards the centre.

Exotic- The species originates in a country other than Australia.

Gall- Abnormal swelling of plant tissues caused by gall wasps, mites and various insects and less commonly fungi or bacteria.

Included Bark- Bark that becomes embedded in a crotch (union) between branches and trunk or two dominant stems. It is known to cause a weak structure.

Indigenous- The species originates within the local environs.

Mitigation- Reducing, alleviating, or minimizing the risk of harm.

Mulch- Usually composed of chipped ground or shredded material such as bark. Mulch placed on the soil surface to reduce weed growth, retain moisture in the soil, reduce erosion, and moderate temperatures.

Native- The species originates within Australia.

Reduction- Pruning to decrease height or the spread of a tree.

Thinning- Selective removal of live branches to provide light, air penetration through or lighten the weight for remaining branches.

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Appendix D – NVRR



Audit and Risk Committee

Biannual Report December 2024

MACEDON RANGES SHIRE COUNCIL

Audit and Risk Committee

Biannual Report December 2024

1. Introduction
2. External Audit
3. Internal Audit
4. Summary of Work Performed
5. Self-Assessment of Committee Performance

Vinitha Pinto
Chairperson
Audit and Risk Committee
4 December 2024

1. Introduction

As part of its governance obligations to its community, Council has established an Audit and Risk Committee. The Audit and Risk Committee is an Advisory Committee to Council, acting in accordance with *Sections 53 and 54 of the Local Government Act 2020*.

The Local Government Act under section 5(a) requires the Audit and Risk Committee to produce a biannual audit and risk report describing the activities of the Audit and Risk Committee, including its findings and recommendations. The biannual audit and risk report must be provided to the Chief Executive Officer for tabling at the next Council meeting.

This is the second biannual report of 2024, prepared by the Audit and Risk Committee and presented to Council.

During the later six months of 2024, the Committee has discharged its duties at the following meetings:

- Wednesday 14 August
- Wednesday 25 September
- Wednesday 4 December

Meetings were in person at the Gisborne Council Chambers from 8:30am – 12:00pm except for the September meeting which was held online.

The Committee members July 2024 through to December 2024 were:

- Ms Magdalena Williams, Independent Member (appointed 2021 to 2023, extended to 2027)
- Ms Vinitha Pinto, Independent Member (appointed 2021 to 2025)
- Mr Jonathan Kyvelidis, Independent Member (appointed 2021 to 2024)
- Mr David Gunn, Independent Member (appointed 2023 to 2027)
- Cr. Geoff Neil, Councillor Delegate from 25 November 2020
- Cr. Mark Ridgeway, Councillor Delegate from 25 November 2020
- Cr. Jennifer Anderson, alternate Councillor Delegate from 17 August 2022
- Cr. Janet Pearce, alternate Councillor Delegate from 17 August 2022

Subsequent to the 2024 Council elections and the Council Meeting on 27 November 2024, the following Councillor members were added:

- Cr. Alison Joseph Councillor Delegate
- Cr. Christine Walker Councillor Delegate
- Cr. Cassy Borthwick alternate Councillor Delegate

- Cr. Daniel Young alternate Councillor Delegate

At the December 2024 meeting, the Committee made the following recommendations for Council consideration:

- the appointment of Vinitha Pinto as Chairperson of the committee for 2025
- the extension of the appointment of Independent Member, Mr Jonathan Kyvelidis for a further four years to 2028.

The Committee agreed to set the meeting dates for 2025 as follows:

- Wednesday 19 February 2025
- Wednesday 16 April 2025
- Wednesday 11 June 2025
- Wednesday 6 August 2025
- Wednesday 10 September 2025
- Wednesday 3 December 2025

2. Internal Audit

The Internal Auditor is a consultant to Council. HLB Mann Judd were re-appointed as the internal auditors in 2024 as the result of an open tender process and are fulfilling the role of the internal auditor for the 2024-25 financial year; Mark Holloway is the Audit Partner.

The purpose of an internal audit (also known as a review) is to provide assurance to the Executive, Audit and Risk Committee, and Council by reviewing and testing the existence and effectiveness of policies, procedures and practices of an area of operation. An internal audit is aimed at reviewing operational risks and implementing controls to eradicate or minimise the risk. The Internal Auditor will both offer an opinion on the existing policies and procedures and provide recommendations to improve the policies and procedures to mitigate systemic risk.

2.1 Internal Audit Service Provider and Program

The contract for the internal audit service provider ended in August 2024. The service then went out to market in an open tender process. Officers with the assistance of the Committee Chair selected the preferred tenderer and a new contract was offered to the service provider.

The contractor will now engage with the Committee to finalise the 2024/25 internal audits and set the Strategic Internal Audit Plan for future years.

2.2 Internal Audit Reports

The Internal Auditor prepares a Memorandum of Audit Plan prior to each Review, which is considered by the relevant Director. The Internal Auditor, in consultation with the relevant Department Manager and other key staff, conduct an entry meeting and discussed the scope and objectives of the review. Following the site interviews, the Internal Auditor prepares a Report and Recommendations. The Report also includes the Department Manager's Response to each recommendation.

The following report was presented to the Committee in the second half of 2024:

- Review of Business Continuity Planning & Disaster Recovery – presented 14 August meeting

The 2023/24 internal audit program was completed with the presentation of the above report.

2.3 Council Progress on Internal Audit Action Items

The Committee regularly reviewed Council's progress on open action items from prior year internal audits. The reporting provided the Committee with insights into the risk profile, aging and status updates on the progress of finalising the internal audit action items.

While there is still work to be done, Council has made substantial advances regarding closing audit actions.

2.4 Performance Assessment of Internal Audit

In accordance with the Audit and Risk Committee Charter, an annual assessment was completed to determine the level of satisfaction with the performance of Council's internal audit function.

The annual assessment was undertaken by Committee members via an online survey. The survey contained five questions which required the committee to assign a rating on a scale from very satisfied to very dissatisfied for each agenda item delivered across the calendar year. The survey also allows Committee members to provide comments and suggestions of improvements to the internal audit function.

The Committee assessed they were satisfied with the performance of the internal audit. These same service providers were awarded a new contract after a successful bid in an open tender process.

3. External Audit

3.1 Financial Statements

The Victorian Auditor-General's Office (VAGO) undertook the financial audit for the year ended 30 June 2024. VAGO were represented at relevant Committee meetings by Jung Yau.

The Financial Audit enables the Auditor-General to form an opinion on whether Council's financial reporting meets the requirements of the *Local Government Act 2020*. The Financial Audit focuses on the accuracy of recording income and expenditure, the existence and measurement of assets and liabilities, and compliance with accounting standards.

The Committee reviewed Council's 2023/24 Financial Statement and the content of the VAGO Closing Report, and recommended they proceed to Council for endorsement.

3.2 Performance Statement

The Performance Statement Audit enables the Auditor-General to form an opinion on whether Council's Performance Statement meets the requirements of the *Local Government Act 2020*. The Performance Statement Audit focuses on a range of measures, including roads, planning, animal management and waste.

The Committee reviewed Council's 2023/24 Performance Statement and recommended they proceed to Council for endorsement.

3.3 External Audit Report

The Committee received regular updates from VAGO on external audit matters and activities including:

- VAGO Annual Work Plan
- Financial Audit matters for 2023/24
- Current or planned Performance Audits undertaken by VAGO
- Parliamentary Reports tabled by VAGO
- Operations undertaken by the Independent Broad-based Anti-corruption Commission
- Local Government Reports
- Active governance matters across Victorian Municipal Councils
- Performance Audits within local government sector undertaken by other Australian audit offices

3.4 Performance Assessment of External Audit

In accordance with the Audit and Risk Committee Charter, an annual assessment was completed to determine the level of satisfaction with the performance of Council's external audit function.

The survey contained seven questions which require the committee to assign a rating between very satisfied to very dissatisfied for each agenda item delivered across the calendar year by the external audit function. The survey also allowed the committee to provide any comments and suggestions for improvements within the external audit function.

The Committee assessed the performance of external audit as mostly satisfactory, with some dissatisfaction recorded regarding the timeliness of the Financial Statement, Performance Statement and Audit Opinion. Whilst the quality of the reports was mostly satisfactory, feedback noted that timeliness of reports could be improved. Additionally, if there are delays, early notification would be appreciated to enable Council to plan and prioritise alternate options.

4. Summary of Work Performed

This section provides a summary and update on the work performed by the Committee during the second six months of 2024 (Quarters 1 and 2 of the 2024/25 financial year).

4.1 Financial Reports

Financial reports to 30 June 2024 and 31 October 2024, were presented to the Committee at the meetings of 14 August and 4 December respectively.

4.2 Risk Management

The Committee received regular briefings from the Chief Executive Officer addressing key highlights and emerging risks that had impacted Council since the preceding Committee meeting. Council's Risk Management Report provided the Committee with an update on Council's risk management practices including strategic and operational matters, Business Continuity Planning, the adoption of the Risk Management Framework and Insurance Claims. A comprehensive Risk Management Report including the Risk Management Annual Assessment was presented at the 14 August meeting. The Committee was also provided with the minutes of Council's Risk Management Committee (RMC) meetings, which were included as an attachment to the Risk Management Report.

4.3 Reimbursement of Expenditure for Councillors and Delegated Committees

Under S40 (2) of the *Local Government Act 2020* the Audit and Risk Committee must be provided

with details of all reimbursements of expenses of Councillors and members of delegated committees. The Committee was provided with a report on this expenditure at the August and December meetings.

4.4 Council Response to Local Government Reports and Publications

The Committee reviewed Council's response to the recent reports and publications that have an impact on the Local Government Sector.

4.5 Council Fraud Control Report

At the 14 August and 4 December 2024 meetings, the Committee was briefed on Council's Prevention and Detection Fraud Control Report. The report advised that Council had one staffing matter related to theft that was being managed.

4.6 Council Compliance Report (Governance Schedule)

At the 14 August and 4 December 2024 meetings, the Committee was briefed on Council's compliance with the statutory obligations. The report provided the Committee with the assurance that Council is complying with the statutory obligations under the *Local Government Act 1989* and the *Local Government Act 2020*.

4.7 Information Services Update

The Committee continued to receive regular Information Services updates after this was highlighted as an area of interest at the beginning of 2021. An Information Services update was provided at the August and December meetings, with particular focus placed upon the status of software and technology, posture of Council's ICT Disaster Recovery capability and Information and Cyber Security position, updates on KPIs, and Information Services' strategic and operational risks.

4.8 Council Policy

At the 14 August meeting the Committee reviewed Council's work to update and refine the process to develop, review, monitor and update Council's Strategies, Plans and Policies.

4.9 Review of Audit and Risk Committee Charter and Work Plan

At the December 2024 meeting, the Committee reviewed the Audit and Risk Charter and recommended an additional requirement that independent members complete mandatory training at least once per term, on the prevention and detection of fraud and corruption.

5. Self-Assessment of Committee Performance

In accordance with the Audit and Risk Committee Charter, the Committee has a responsibility to undertake an annual assessment on the performance of the Committee against the responsibilities outlined in the Charter.

The annual assessment was undertaken by Committee members via an online survey. The survey contains 9 sections with several sub-questions that require a rating on a scale from strongly agree (5) to strongly disagree (1). Three (3) is neutral, and N/A is a possible response.

The survey allows for comments or suggestions for improvements at the end of the survey and seeks any other comments about the Committee's performance.

The Committee has moderated the members responses to the self-assessment and agreed the responses of the survey whilst noting that the survey was completed by members (before reading the papers for the December meeting). Responses were mostly positive, falling largely within the 'agree' or 'strongly agree' categories. One topic that remains an area of focus of the committee is that the committee has an adequate understanding of Council's internal control framework to mitigate significant risks. This is being addressed as part of 2025 planning, including regular reporting to the committee as part of the workplan.