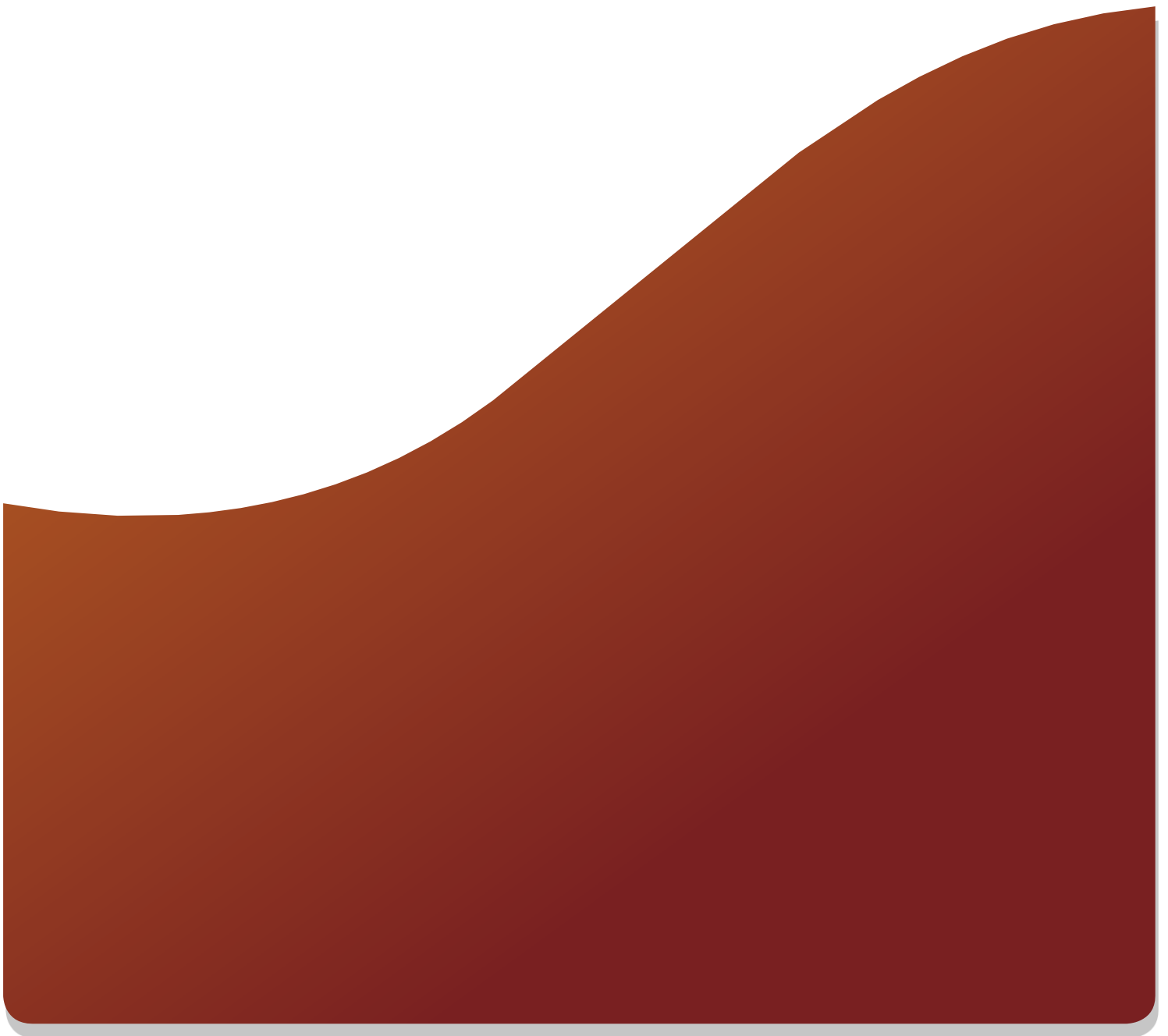


# **Planning Delegated Committee Meeting Agenda**

**Planning Delegated Committee Meeting  
Wednesday 6 December 2023 at 7pm  
Held online and livestreamed at [mrsc.vic.gov.au](https://mrsc.vic.gov.au)**





**Notice is hereby given that a Planning Delegated Committee Meeting will be held in the Held online and livestreamed at [mrsc.vic.gov.au](http://mrsc.vic.gov.au) on:  
**Wednesday 6 December 2023 at 7pm****

**Order Of Business**

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## **1 ACKNOWLEDGEMENT OF COUNTRY**

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, and present.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

## **2 RECORDING AND LIVESTREAMING OF THIS COMMITTEE MEETING**

This meeting is being recorded and streamed live on the internet, in accordance with Council's 'Live Streaming and Publishing Recordings of Meetings' policy, which can be viewed on Council's website.

## **3 PRESENT**

## **4 APOLOGIES**

## **5 CONFLICTS OF INTEREST**

## **6 PURPOSE OF PLANNING DELEGATED COMMITTEE**

Council established the Planning Delegated Committee to provide a regular forum for hearing from people who have made a submission to Council or who are an applicant or objector in relation to a planning permit application.

The Committee is authorised to determine statutory planning applications and Planning Scheme amendments only in relation to the Planning and Environment Act 1987. Its purpose is to hear from applicants/land owners and objectors/submitters on statutory and strategic planning matters, planning applications and to determine other planning matters.

## **7 ADOPTION OF MINUTES**

### **Recommendation**

**That the Committee confirm the minutes of the Planning Delegated Committee of Macedon Ranges Shire Council held on Thursday 9 November 2023, as circulated.**

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8 REPORTS

<b>8.1</b>	<b>PLN/2022/314 - 35 CHERRY LANE, GISBORNE</b>
<b>Application Details:</b>	<b>Subdivision of Land into Three (3) Lots and Removal of Vegetation (Two (2) Native Trees)</b>
<b>Officer:</b>	<b>Nicole Wadden, Senior Statutory Planning Officer</b>
<b>Council Plan relationship:</b>	<b>3. Improve the built environment</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. <b>Attachment 1 - Conditions</b> <a href="#">↓</a></li> <li>2. <b>Attachment 2 - Statement of Planning Policy</b> <a href="#">↓</a></li> <li>3. <b>Attachment 3 - Proposed Plans</b> <a href="#">↓</a></li> <li>4. <b>Attachment 4 - Arborist Report</b> <a href="#">↓</a></li> <li>5. <b>Attachment 5 - Planning Report</b> <a href="#">↓</a></li> </ol>
Triggers for a planning permit	General Residential Zone (Schedule 1) – Subdivision of Land into Three (3) Lots  52.17 (Native Vegetation) – Removal of Two (2) Native Trees.
Zones and Overlays	General Residential Zone (Schedule 1) Development Contribution Plan Overlay (Schedule 2)
No. of objectors	Four (4)
Trigger for report to <b>the Committee</b>	Councillor Call-in
Key Considerations	Neighbourhood character and incremental change; impact of infill development; environmental impacts; potential amenity impact to adjoining properties; and objector concerns.
Conclusion	Notice of Decision to Grant a Permit subject to conditions
Date of receipt of application:	22 February 2022

**Summary**

The application seeks approval for the development of the subject site for a three (3) lot subdivision and removal of vegetation (two (2) native trees).

Key issues to be considered relate to the suitability of the site for increased density and infill development, the design and layout of the proposed subdivision to demonstrate that amenity impacts on adjoining land have been appropriately managed in addition to consideration of environmental impacts resulting from the proposal.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is found to be consistent with the objectives and provisions of the Planning Scheme.

## Recommendation

**That a Notice of Decision to Grant a Permit be issued for the subdivision of land into three (3) lots and removal of vegetation (two (2) native trees) at 35 Cherry Lane, Gisborne subject to the conditions outlined in Attachment 1.**

## Existing conditions and relevant history

### Subject land

The subject site is located on the southern side of Cherry Lane, and is bordered to the south by a substantial slope. The site is rectangular in dimension, with a frontage of 37m and a depth of 120m. The site is populated by an existing dwelling, which is constructed of face brickwork with a tiled roof. The dwelling is setback substantially into the site, and is serviced by a gravel driveway in the eastern corner of the frontage. The site is populated with some mature canopy trees of both exotic and Australian native varieties.

### Surrounds

The surrounding area displays a residential character. Approximately 150m to the west is Skyline Drive, which accommodates dozens of residential dwellings on land generally around 2000m<sup>2</sup> in size. To the south, at the bottom of the hill adjoining the site is Frith Road, with lots that achieve areas generally around 800m<sup>2</sup> in size. Land to the north-west comprises 89 Ross Watt Road, in which a development plan was recently approved at the Victorian Civil and Administrative Tribunal (VCAT) with the average lot sizes of around 680m<sup>2</sup>. North of the subject site along Swinburne Avenue and Omerod Court there are emerging examples of two-lot subdivisions, which result in allotments of around 1000m<sup>2</sup> each. Whilst the existing development pattern remains broadly unaltered, there are emerging examples of incremental change. Land is generally developed with one single-storey building and clustered outbuildings. Sites have generous front setbacks and large rear open space areas. With the exception of dwellings, sites are predominantly lawn areas with mature canopy trees planted at a moderate density.

It should be noted that land directly east of the site (33 Cherry Lane) lodged an application for four (4) dwellings and subdivision of land into four (4) lots. Prior to the officer issuing a Notice of Decision to Grant a Planning Permit, the applicant lodged an appeal with VCAT for failure to determine. On the 26 June 2023, VCAT supported council's decision to issue a permit. It is noted however that at the start of proceedings the applicant stated that the proposal was only ever intended to be for development, and they were not seeking a planning permit for subdivision. The VCAT member then made the decision from the start of the proceeding on the request from the applicant that no subdivision would be considered during the proceeding. A permit was therefore issued for the development of land for four (4) dwellings. A subdivision application for the dwellings will likely occur in the future.

### Registered restrictive covenants and/or Section 173 Agreements affecting the site

There are no registered restrictive covenants or Section 173 Agreements affecting the site.

An easement is noted in the south-western portion of the lot noted on the Plan of Subdivision as E1.

Previous planning permit history

The subject site does not have any relevant Planning Permit history.

**Proposal**

The proposal seeks to subdivide land into three (3) lots and for removal of vegetation (two (2) native trees). Lot 1 would have a frontage to Cherry Lane with a lot size of 1851m<sup>2</sup>, while Lots 2 and 3 would be accessed via a common property driveway and would have sizes of 1171m<sup>2</sup> and 1027m<sup>2</sup> with lot 3 being the larger lot of the two. The common driveway will be constructed along the eastern boundary of the site with a total length of approximately 65m. Vegetation proposed for removal includes a Manna Gum (tree 1) and Blackwood (tree 10). The Manna Gum exhibits fair health and poor structure while the Blackwood exhibits poor health and poor structure.

**Relevant Macedon Ranges Planning Scheme controls**

Section 46AZK of the Planning and Environment Act 1987

Section 46AZK of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme require Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers. Attachment 2 contains the officer assessment against the SOPP.

Planning Policy Framework

<b>Clause no.</b>	<b>Clause name</b>
2.02	Vision
2.03-1	Settlement
2.03-2	Environmental and Landscape Values
2.03-5	Built Environment and Heritage
2.03-6	Housing
2.04	Strategic Framework Plans
11.01-1S	Settlement
11.01-1L	Settlement – Gisborne (including New Gisborne)
11.03-3S	Peri-Urban Areas
12.01-1S	Protection of Biodiversity
12.01-1L	Protection of Biodiversity (Macedon Ranges)
12.01-2S	Native Vegetation
12.05-2S	Landscapes
12.05-2L	Landscapes – Macedon Ranges
15.01-1S	Urban Design
15.01-1L	Urban Design - Macedon Ranges
15.01-3S	Subdivision Design
15.01-3L	Subdivision Design – Macedon Ranges
15.01-3L	Subdivision Design – Battle Axe Lots
15.01-5L	Neighbourhood character – Macedon Ranges townships



16.01-1S	Housing Supply
16.01-1L	Housing Supply – Macedon Ranges
19.03-3S	Integrated Water Management
19.03-3L	Integrated Water Management – Macedon Ranges

Zoning

Clause no.	Clause name
32.08	General Residential Zone - Schedule 1

Overlay

Clause no.	Clause name
45.06	Development Contributions Plan Overlay – Schedule 2

Particular provisions

Clause no.	Clause name
51.07	Macedon Ranges Statement of Planning Policy
52.17	Native Vegetation

General provisions

Clause no.	Clause name
65	Decision Guidelines

**Cultural Heritage Management Plan assessment**

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	No
2	Does the application proposal include significant ground disturbance as defined in Part 1 Regulation 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	N/A
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 of <i>Aboriginal Heritage Regulations 2018</i> ?	N/A
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	N/A

Based on the above assessment, a Cultural Heritage Management Plan is not required in accordance with Part 2 Division 1 of *Aboriginal Heritage Regulations 2018*.

**The process to date**

Referral

<b>Authority (Section 55)</b>	<b>Response</b>
Powercor	No objection, subject to conditions.
Greater Western Water	No objection, subject to conditions.
Melbourne Water	No response, considered no objection.
Country Fire Authority	No objection, subject to conditions.
Downer Gas	No objection, subject to conditions.

<b>Authority (Section 52)</b>	<b>Response</b>
MRSC Engineering	Provided conditions.
MRSC Environment	Provided conditions.
MRSC Open Space	Provided conditions.

Advertising

A total of four (4) objections were received to this application. They are summarised as follows:

- Lot sizes are discordant with the surrounding character;
- Lot sizes leave no room for landscaping;
- Development of adjoining land in the future;
- Impact on existing Neighbourhood Character;
- Lack of protection for existing residents and amenity impacts;
- Increased noise;
- Increased traffic;
- Loss of privacy;
- Future overshadowing;
- Loss of vegetation;
- Lack of consultation with surrounding land owners;
- Impacts resulting from removal of easement noted as E1 of Plan of Subdivision;
- Oversights in planning report;
- Potential for damage to nearby residences during dwelling/ driveway construction;
- Changes to the discharge of storm water resulting from the application;
- Additional bins will be a detriment to the streetscape;
- Lack of consideration for Strategic Context.

**Officer assessment**

The proposed development is required to demonstrate an acceptable level of compliance with the provisions of the Macedon Ranges Planning Scheme. An assessment against the relevant provisions is provided below.

**Municipal Planning Strategy (MPS)**

The MPS sets out the overarching strategic directions for the Macedon Ranges Shire. Those of particular relevance are summarised below.

Clause 2.03-1 – Settlement establishes a hierarchy of settlements to appropriately direct and accommodate growth in the Shire. Gisborne is identified as a regional centre and the largest settlement in the Shire (along with Kyneton). It is specifically seeks to focus growth in the regional centres within the existing town centre boundaries.

The relevant strategic directions for Gisborne (and New Gisborne) are to:

- Manage urban growth and development in a co-ordinated and environmentally sustainable manner that respects the established semi-rural village character, natural setting, topography and view lines of the area.
- Ensure development occurs in a sequential manner allowing for the efficient and timely provision of social and physical infrastructure, and integration with existing development.

Clause 2.03-2 – Environmental and Landscape Values identifies that the shire contains rich, native biodiversity and seeks to:

- Conserve the biodiversity values of the shire by protecting, enhancing, managing and restoring indigenous vegetation and fauna habitat.

This clause also seeks to protect significant environments and landscapes and, in particular, the landscape character of distinctive settlements set within a rural environment. It is seeks to:

- Protect and enhance the character of existing rural landscapes.

Clause 2.03-5 - Built Environment and Heritage seeks “*to protect and enhance the distinctive character and form of the Shire’s towns*”. It is recognised that there is a need to provide greater housing diversity and choice close to town services. It is also sought to “*encourage subdivision in residential zones that responds positively to site features, integrates well with the neighbourhood, provides a functional environment and achieves energy efficient and environmentally sensitive layouts.*”

Clause 2.03-6 – Housing encourages the provision of diverse and affordable housing in settlements that have capacity for growth, including Riddells Creek. Housing is to accommodate all age groups, household types, income levels, lifestyles and preference.

### **Planning Policy Framework (PPF)**

The PPF now contains both State and local policies. Those of most relevance to the proposal are summarised below.

Clauses 11.01-1S – Settlement, 11.02-1S – Supply of Urban Land seek to facilitate sustainable development patterns that take full advantage of existing settlements. The following objectives are relevant to this consideration:

- Limit urban sprawl and direct growth into existing settlements.
- Promote and capitalise on opportunities for urban renewal and infill redevelopment.
- Ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations

The local context is provided at Clause 11.01-1L – Settlement – Gisborne. This policy seeks to maintain Gisborne as a distinctive semi-rural settlement, containing urban development within the defined township boundary as per the Gisborne/New Gisborne Framework Plan. The Gisborne/New Gisborne Framework Plan locates the site within the township boundary and in the residential growth zone.

Clause 11.03-3S – Peri-Urban Areas and 11.03-3L – Peri Urban Area – Gisborne (New Gisborne) seeks to manage “growth in peri-urban areas to protect and enhance their identified valued attributes”. Gisborne is identified as an established settlement that has potential for growth, and growth is to be accommodated in designated areas to avoid settlement sprawl. Any development within Gisborne is directed to “respect the existing townships’ semi-rural character, heritage streetscapes, topography, view lines to the Macedon Ranges and significant natural environmental assets”

Clauses 12.01-1S – Protection of Biodiversity and 12.01-1L - Protection of Biodiversity – Macedon Ranges seeks to protect remnant vegetation on public and private land and encourages subdivision proposals that support enhanced biodiversity outcomes including larger allotments where there is significant remnant native vegetation.

Clause 12.01-2S – Native Vegetation seeks to “*ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation*” and references the three-step strategic framework (avoid, minimise, offset) which is further enacted at Clause 52.17 – Native Vegetation. Essentially it is sought to avoid the removal of native vegetation. Where this is not possible, vegetation removal should be minimised and an appropriate offset provided to compensate for the loss. Clause 52.17 – Native Vegetation contains more specific decision guidelines for vegetation removal and these guidelines are responded to below.

Clause 12.05-2L – Landscapes – Macedon Ranges seeks to “*preserve significant exotic and native vegetation as a fundamental component of the shire’s character and landscape.*”

Clause 15.01-1S – Urban Design broadly emphasises the importance of creating quality environments that contribute positively to the local urban character and sense of place, and reflect the particular characteristics, aspirations and cultural identity of the community.

Clause 15.01-1L – Urban Design – Macedon Ranges more specifically seeks to:

- *Ensure that development in townships respond to key features of existing streetscapes including building materials, colours, height, setbacks, bulk, articulation, significant vegetation, site coverage and density.*
- *Design development to provide for passive surveillance of public spaces.*
- *Retain mature vegetation and incorporate landscaping that integrates with the landscape character of the area and increases tree canopy coverage across townships.*
- *Encourage the use of landscaping in development including native vegetation.*

Clause 15.01-3S – Subdivision Design 15.01-3L – Subdivision Macedon Ranges and Subdivision Design – Battle Axe Lots convey a number of relevant design strategies as follows:

- *Creating compact neighbourhoods that have walkable distances between activities.*
- *Creating urban places with a strong sense of place that are functional, safe and attractive.*
- *Including a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- *Provide larger residential lot sizes, and sensitive siting and design of development in areas of Gisborne that are visually sensitive, support remnant flora and fauna, are constrained by land slope, or where a subdivision abuts existing larger lots of rural or low density residential development.*
- *Facilitate development that provides for generous spacing of accessways compatible with the neighbourhood character.*
- *Provide landscaping to soften the appearance of accessways and create visual interest in the streetscape.*
- *Locate and design accessways to retain and protect existing vegetation.*

Clause 15.01-5S - Neighbourhood Character seeks “to recognise and protect cultural identity, neighbourhood character and sense of place.” This policy seeks to provide a good quality urban environment and encourages adherence to good urban design principles in designing new development. Neighbourhood character policy specific to Gisborne at Clause 15.05-1L seeks to:

- To maintain and improve key urban and landscape elements, and heritage assets that contribute to the established semi-rural township and village character of Gisborne and New Gisborne.
- Ensure that development responds to key features of existing streetscapes including building materials, colours, height, setbacks, bulk, articulation, significant vegetation, site coverage and density, particularly within established township areas and areas of landscape sensitivity.
- Ensure urban development is of a low profile and compatible with the landscape qualities of the area

Clause 16.01-1S – Housing Supply promotes a housing market that meets community needs. Clause 16.01-1L – Housing Supply Gisborne provides the local context and directs planning to:

- Encourage, in appropriate locations, medium density housing within 400 metres walking distance of the Gisborne town centre as designated on Gisborne/New Gisborne Framework Plan.
- Support medium density development where slope and access to services are favourable and development design is compatible with established landscape and township character, and places of heritage significance.

The objective of Clause 16.01-2S – Housing Affordability is to locate new housing in designated locations that offer good access to jobs, services and transport and provide a range of housing types that meet the diverse and changing needs of the community.

The objective of Clause 19.03-1S – Development and Infrastructure Plans is “to facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.” This is more definitively captured under the DCPO that applies to the site responded to below.

Clause 19.03-3S – Integrated Water Management seeks “*to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.*”

The proposal is consistent with the principles and strategies within the MPS and PPF including Clauses 2.03-1 (Settlement), 11.01-1S (Settlement – Victoria), 11.01-1L (Settlement – Gisborne (including New Gisborne)), 2.03-5 & 15.01 (Built Environment) and 2.03-6 & 16.01 (Residential Development). The proposal will provide additional land within the Gisborne area, and essentially facilitate housing diversity within close proximity to services. The subdivision provides three relatively large allotments (>1000sqm), which are considered to be consistent with the character of the surrounding area and generous in size with regard to the intended density facilitated by the General Residential Zone. The proposal provides adequate space for building envelopes to be created on the lot that would provide for adequate landscaping and boundary setbacks, ensuring the neighbourhood character is maintained. For these reasons, the proposal is also consistent with policies related to subdivision and neighbourhood character at Clauses 2.03-5, 15.01-3S, 15.01-3L, 15.01-5S and 15.01-5L.

Having regard to the various environmental and landscape considerations captured at Clauses 2.03-2, 12.01, 12.03, 12.05 and 13.02-1S, the proposed subdivision is unlikely to have any adverse environmental consequences noting that:

- the land is not traversed by waterways;
- vegetation proposed for removal has been deemed to be of low retention value and offsets would be secured by a condition of this permit to ensure the application achieves no net loss of biodiversity;
- the proposal can achieve generous sized building envelopes without impacting the any vegetation deemed as high retention value or any third party trees;
- the land has no other noted environmental constraints.

The application was referred to the relevant internal authorities including MRSC Engineering, MRSC Environment who have provided conditions for approval of the proposal, including standard drainage conditions which address Clause 19.03-3S recommendations.

## **Zone**

### General Residential Zone Schedule 1 (GRZ1)

In addition to implementing the Municipal Planning Strategy and the Planning Policy Framework, the purpose of the zone is to encourage housing diversity and housing growth in appropriate locations and encourage development that respects neighbourhood character.

Pursuant to Clause 32.08-3 of the zone, a permit is required to subdivide land.

An application to subdivide land into 3 lots 'must' meet the following objectives of Clause 56 – Residential Subdivision and 'should' meet all of the standards:

- *All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.*

The proposed three lot subdivision complies with all the required objectives and standards of Clause 56 having regard to objectives pertaining to neighbourhood character, lot area, optimal solar orientation and infrastructure provision. A detailed assessment against the required standards and objectives of Clause 56 is provided below.

Decision guidelines relevant to the application are addressed below:

### **General**

- The proposed subdivision is in accordance with the MPS and PPF as outlined above.
- The proposed subdivision will create lot sizes of 1,851sqm, 1,027sqm and 1171sqm which are comparable to lot sizes in the area which range from upward of approximately 1300m (along Cherry Lane).
- The new Lots 2 and 3 can accommodate a building footprint with suitable setbacks from all site boundaries such that the setback pattern and typical building spacing will be maintained.
- There is sufficient area to place a future dwelling on the new Lot 2 and 3 without adverse amenity impact to neighbouring allotments (i.e. overshadow).

### **Subdivision**

- The proposed subdivision creates two (2) vacant allotments that are both capable of supporting a single dwelling with suitable boundary setbacks.
- An assessment of Clause 56 has been provided at Appendix 1.

### Development Contribution Plan – Schedule 2 (DCPO2)

The subject site is covered by Development Contribution Overlay Schedule 2 (DCPO2) Gisborne and New Gisborne. The DCPO2 divides the area into 15 catchments, with an associated contribution fee schedule.

The subject land falls within Area 4 for which the following contributions are applicable:

<b>Levies payable for residential development</b>						
<b>Development Infrastructure (DI)</b>						
	<b>DI Community Facility (per residential lot)</b>	<b>DI Open Space (per dwelling)</b>	<b>DI Open Space Land (per dwelling)</b>	<b>DI Planning (per dwelling)</b>	<b>DI Roads (per dwelling)</b>	<b>Total Charge (per dwelling)</b>
<b>Area 1</b>	\$289.08	\$1,753.74	\$108.40	\$8.12	\$4.75	\$2,164.09

Schedule 2 of the overlay stipulates that where new residential subdivisions are proposed the contribution can be collected as a condition of the subdivision permit. The contribution must be adjusted in accordance with the Building Price Index and land acquisition values on 1 July each year.

The intention of the Overlay is to capture all instance where new residential subdivisions occur and assist with funding public works and services to accommodate the increase in population. In this instance the application seeks to subdivide property into three lots each over 1000sqm in size with Lots 2 and 3 being vacant. It is reasonably presumed that the vacant lots will be developed into additional dwellings similar to the existing.

A developer contribution will be secured by way of permit condition.

Clause 52.17 – Native Vegetation

One of the primary objectives of planning in Victoria is to ensure that permitted clearing of native vegetation does not undermine Victoria’s biodiversity. This means that any permitted clearing has a neutral impact on the State’s biodiversity. To this end, Council is required to apply the risk-based approach to managing native vegetation as set out in the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines). These are:

- *Avoid the removal, destruction or lopping of native vegetation.*
- *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
- *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

The vegetation to be removed is described as two (2) small scattered trees with a total area of 0.032ha.

It is considered that the three (3) step approach has been followed, as detailed:

**Avoid and Minimise**

- As the vegetation proposed for removal is an assumed loss as a result of the newly created lots having a size of less than 0.4 of a hectare, there is no way to avoid or minimise the extent of native vegetation loss on site and therefore all native vegetation (in this case two (2) small trees) has been assessed as a loss.



**Offset**

- A DELWP Native Vegetation Removal Report has been prepared which calculated the following offset requirements:
  - Offset required is 0.005 general habitat units;
  - Offset vicinity is within North Central Catchment Management Authority (CMA) or Macedon Ranges Shire Council municipal district;
  - Minimum strategic biodiversity score 0.095;

Subject to the above, the proposal will result in no net loss outcome for biodiversity and this will be secured by permit condition.

The above is supported by MRSC Environment who provided conditions which will be included on any permit issued.

**Response to Objections**

- Land sizes within the proximity of the site (along Cherry Lane) range from upward of approximately 1300m<sup>2</sup> which is comparable to the proposed lot sizes for this application. North of the site along both Ormerod Court and Swinburne Avenue there is an emerging prevalence of battle axe style subdivisions. The proposed lot sizes are considered to be consistent with the character of the surrounding area and generous in size with regard to the intended density facilitated by the General Residential Zone.
- A permit condition will require building envelopes to ensure generous setbacks are maintained with adequate room for landscaping. Additionally, a landscape plan will be required by way of permit condition to ensure appropriate landscaping along property boundaries and the common driveway.
- Support for this application is no guarantee that future development will occur on adjoining lots and/or will be necessarily be supported. Each application is assessed on its own merits.
- The design response of the site is responsive to the existing character via its resulting land yield, and will be conditioned to ensure there is an emphasis on landscaped outcomes resulting from the proposal.
- Protection of amenity of existing residents has been considered under assessment of the application against the provisions of the Planning Scheme. The proposal is found to be an acceptable outcome with regard to ensuring amenity of neighbours is considered.
- Some noise may occur while the lots are connected to services etc, however once completed there will be no unreasonable noise impacts. Standard condition in relation to the protection of amenity will be included in the permit.
- The proposed development will not generate additional traffic to the extent that it will fundamentally change congestion within the nearby streetscape.
- The design of future dwellings will be subject to a building permit where a Part 5 siting of building regulations will be undertaken to ensure various issues relating to privacy impact will be taken into consideration. In addition, building envelopes will be required by way of permit condition to ensure dwellings maintain a generous setback consistent with the character of the area. Additionally, a landscape plan will be required by way of permit condition to ensure visual impact is softened through planting.

- Overshadowing will be dealt with in the same way as privacy, as stated above.
- Nearly all vegetation on site has been assessed as being planted. Vegetation proposed for removal is of a low retention value.
- Consultation with neighbours has been carried out in accordance with the regulations of the Planning and Environment Act (1987).
- Regarding the concerns about the removal of easement E1, the need to create a new easement has been identified by the Engineering Unit who propose a permit conditions to address this issue.
- While it is noted that there may have been errors in the planning report submitted with the application, these mistakes were able to be worked through pragmatically during the officer assessment period and do not impact the final outcome of the application.
- The proposal will result in additional bins requiring collection from the kerbside, however their presence will be temporary in nature (one morning a week) and will not disrupt amenity in an ongoing capacity and is not considered unreasonable.
- The proposal is considered consistent with the strategic context of the land via the application of the provisions of the Macedon Ranges Planning Scheme.

**Officer declaration of conflicts of interest**

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

Appendix 1 – Clause 56 Assessment

Objectives	Standard	Response
<p><b>56.03-5 Neighbourhood character objective.</b></p>	<p><b>Standard C6</b></p>	
<p>To design subdivisions that respond to neighbourhood character.</p>	<p>Subdivision should:</p> <ul style="list-style-type: none"> <li>• Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</li> <li>• Respond to and integrate with the surrounding urban environment.</li> <li>• Protect significant vegetation and site features.</li> </ul>	<p><b>Complies.</b></p> <p>It is considered that the proposal is appropriate with regard to the character of the area, noting the emerging prevalence of subdivision resulting in land sizes of around 1000m<sup>2</sup>.</p> <p>The new Lots 2 and 3 can accommodate a building footprint with suitable setbacks from all site boundaries such that the setback pattern and typical building spacing will be maintained.</p> <p>The majority of vegetation on site will be retained with only two native trees proposed for removal.</p>
<p><b>56.04-2 Lot area and building envelopes objective.</b></p>	<p><b>Standard C8</b></p>	
<p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>An application to subdivide land of lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres and may contain a building envelope.</p> <p>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54.</p> <p>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</p> <p>The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and</p> <p>The building envelope must not regulate siting matters covered by Standards A12 to A15 of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.</p>	<p><b>Complies.</b></p> <p>The proposed subdivision will create lot sizes of 1,851sqm, 1,027sqm and 1,171sqm which are each able to accommodate the requisite rectangular, noting Lot 1 will retain the existing dwelling.</p> <p>A building envelope of Lots 2 and 3 would comfortably meet the requirement of Standard A10 and A11, noting that any future dwelling will be setback from all lot boundaries.</p> <p>A dwelling could readily be sited on the new Lots 2 and 3 that has good solar access and with room to accommodate any required easements.</p>

	<p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> <li>• Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.</li> <li>• Existing or proposed easements on lots.</li> <li>• Significant vegetation and site features.</li> </ul>	
<p><b>56.04-3 Solar orientation of lots objective.</b></p>	<p><b>Standard C9</b></p>	
<p>To provide good solar orientation of lots and solar access for future dwellings.</p>	<p>Unless the site is constrained by topography or other site constraints, at least 70 percent of lots should have appropriate solar orientation.</p> <p>Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> <li>• The long axis of the lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.</li> <li>• Lots between 300 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.</li> <li>• Dimension of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.</li> </ul>	<p><b>Complies.</b></p> <p>Given the generous size of the allotments and lack of any neighbouring constraints, the existing dwelling and any future dwelling on Lots 2 and 3 are able to receive appropriate solar access.</p>
<p><b>56.04-5 Common area objective</b></p>	<p><b>Standard C11</b></p>	
<p>To identify common area and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	<p>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p> <ul style="list-style-type: none"> <li>• The common area to be owned by the body corporate, including any streets and open space.</li> <li>• The reasons why the area should be commonly held.</li> <li>• Lots participating in the body corporate.</li> <li>• The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</li> </ul>	<p><b>N/A</b></p> <p>There is common property within the proposed subdivision to allow for access to lots 2 and 3.</p> <p>No specific details have been provided regarding management of common land. A permit condition requiring a landscape maintenance schedule can reasonably address this requirement.</p>



<p><b>56.06-8 Lot access objective</b></p>	<p><b>Standard C21</b></p>	
<p>To provide for safe vehicle access between roads and lots.</p>	<p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p>	<p><b>Complies.</b></p> <p>The proposed lots provide a street frontage of adequate width to accommodate safe and functional access and egress.</p> <p>The proposed Lots 2 and 3 will share new crossover off Cherry Lane. It is anticipated that a vehicle crossing can be achieved in line with MRSC Engineering requirements.</p>
<p><b>56.07-1 Drinking water supply objectives</b></p>	<p><b>Standard C22</b></p>	
<p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost effective supply of drinking water.</p>	<p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> <li>• Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</li> <li>• Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</li> </ul>	<p><b>Complies.</b></p> <p>Reticulated water is available to the area.</p>
<p><b>56.07-2 Reused and recycled water objective</b></p>	<p><b>Standard C23</b></p>	
<p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<p>Reused and recycled water supply must be:</p> <ul style="list-style-type: none"> <li>• Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environmental Protection Authority and Department of Health and Human Services.</li> <li>• Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</li> </ul>	<p><b>Complies.</b></p> <p>There is capacity to install greywater reuse systems as part of any future development.</p>
<p><b>56.07-3 Waste water management objective</b></p>	<p><b>Standard C24</b></p>	
<p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<p>Waste water systems must be:</p> <ul style="list-style-type: none"> <li>• Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environmental Protection Authority.</li> </ul>	<p><b>Complies.</b></p> <p>Both new lots will be connected to reticulated sewer.</p>

	<ul style="list-style-type: none"> <li>• Consistent with any relevant approved domestic waste water management plan.</li> <li>• Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</li> </ul>	
<p><b>56.07-4 Stormwater management objective</b></p>	<p><b>Standard C25</b></p>	
<p>To minimise damage to properties and inconvenience to residents from stormwater.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</p>	<p>The stormwater management system must be:</p> <ul style="list-style-type: none"> <li>• Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</li> <li>• Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.</li> <li>• Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).</li> <li>• Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</li> <li>• Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</li> <li>• The stormwater management system should be integrated with the overall development plan including street and public open space networks and landscape design.</li> </ul>	<p><b>Complies.</b></p> <p>The proposed subdivision provides for adequate management of stormwater. The application was referred to the MRSC engineering unit who have provided conditions 'of permit to manage these matters.</p>

<p><b>56.08-1 Site management objectives</b></p>	<p><b>Standard C26</b></p>	
<p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where possible.</p>	<p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> <li>• Erosion and sediment</li> <li>• Dust</li> <li>• Run-off</li> <li>• Litter, concrete and other construction wastes</li> <li>• Chemical contamination</li> <li>• Vegetation and natural features planned for retention</li> </ul> <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p><b>Complies.</b></p> <p>No specific details have been provided regarding management during the construction period. A permit condition requiring a Construction Management Plan can reasonably address this requirement.</p>
<p><b>56.09-1 Shared trenching objectives</b></p>	<p><b>Standard C27</b></p>	
<p>To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>	<p>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</p>	<p><b>Complies.</b></p> <p>Shared trenching for services will be utilised where appropriate.</p>
<p><b>56.09-2 Electricity, telecommunication and gas objectives</b></p>	<p><b>Standard C28</b></p>	
<p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<p>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</p> <p>Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</p> <p>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the</p>	<p><b>Complies.</b></p> <p>The proposed subdivision allows for the timely, efficient and cost effective connection to public utilities where they are available, including electricity and telecommunications.</p>



provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.

Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.



## Attachment 1 - Conditions

Planning Delegated Committee Meeting – 6 December 2023  
Subdivision of the land into Three (3) Lots and Removal of  
Vegetation (Two (2) Native Trees). – 35 Cherry Lane, Gisborne

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1. Before the Plan of Subdivision is certified under the Subdivision Act 1988, an electronic copy of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved 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 dated May 2023 prepared by A.A.R. Design and Drafting, but modified to show:
  - a) Building envelopes on lots 2 and 3 with the following dimensions:
    - I. Lot 2 - a minimum eastern side setback of 4m, western side setback of 2m front setback of 2.5m and minimum rear setback of 28m.
    - II. Lot 3 - a minimum western side setback of 4m, eastern side setback of 2.5m front setback of 1m and minimum rear setback of 30m.
  - b) A demolition plan showing removal of the garage for the existing dwelling on Lot 1 to allow for construction of the common property access and the demolition of the existing outbuilding located on Lot 3;
  - c) A landscape plan in accordance with condition 4.
2. The subdivision allowed by this permit and shown on the plans endorsed to accompany the permit shall not be amended for any reason unless with the prior written consent of the Responsible Authority.
3. Prior to a Statement of Compliance being issued:
  - a) 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 Act.
  - b) The owner/s must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.
4. Before the Plan of Subdivision is certified under the Subdivision Act 1988, a landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The landscape plan must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
  - a) A landscape plan for the accessway shaft of Lots 2 and 3 showing a minimum 3.0 metre wide sealed driveway and landscaping generally of 1.5 metres in width on either side of the driveway with the exceptions being for varying the alignment of the





- driveway to avoid a 'gun barrel' effect and/ or impacting existing trees, in which case a total landscaping area on either side of the driveway must make up a total 3 metres wide. The landscape plan must also identify any existing vegetation to be retained and vegetation to be removed.
- b) A minimum 2.5m wide landscape screen consisting of indigenous native species, planted along the western boundary of Lot 3 and eastern boundary of Lot 2.
  - c) A maintenance schedule for landscaping including details of how common property will be maintained.
5. Before the issue of a Statement of Compliance Before certification of the subdivision, the demolition works to the existing dwelling on Lot 1 and existing outbuilding located on Lot 3, and as shown on the approved demolition plan must be carried out to the satisfaction of the responsible authority.
6. Before certification of the subdivision, the owner/s of the land 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:
- a) No double story dwelling construction on lots 2 and 3, as shown on the endorsed plan of subdivision under Planning Permit PLN/2022/314.
  - b) Unless with the prior written consent of the Responsible Authority, buildings and works are not permitted outside of the Building envelopes shown on the endorsed plans forming part of Planning Permit PLN/2022/314, with the exception of landscaping/ gardening and driveways and footpaths.
  - c) Prior to the occupation of the first dwelling on either Lot 2 or 3, landscaping works shown on the endorsed landscape plan under Planning Permit PLN/2022/314 must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.
7. The owner of the land must enter into an agreement with:
- A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - 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.
8. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:





- 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
  - 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.
9. Measures must be undertaken to minimise any loss of amenity to the neighbourhood from the subdivision works caused by dust, noise, the transport of materials to and from the land and the deposit of mud and debris on public roads, to the satisfaction of the Responsible Authority.
10. Before the construction of subdivision works (including demolition works to the existing dwelling on Lot 1), a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
- a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
  - b) Dust control;
  - 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) Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.
11. Before the issue of a Statement of Compliance the owner must pay to Council a development contribution in accordance with the Development Contributions Plan Overlay (DCPO) incorporated in the Macedon Ranges Planning Scheme. The amount payable is calculated from the Total Charge figure for specified Area 4 within the Development Contributions Plan Overlay Schedule 2 per additional Lot and is adjusted on 1 July each year in accordance with Clause 45.06 of the Macedon Ranges Planning Scheme.
12. Prior to the commencement of works, a Plan of Subdivision must be Certified and engineering plans are to be submitted to and approved by the Responsible Authority in accordance with Section 17 of the Subdivision Act 1988.

#### **MRSC Environment Unit Conditions**

13. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on-site of all relevant permit conditions and associated statutory requirements or approvals.
14. Only vegetation within the development footprint is to be removed/disturbed, as per the endorsed site plans provided to Council. No other vegetation (including trees, shrubs,





grasses and herbs) shall be removed, damaged, destroyed, felled, lopped or uprooted unless with the prior written consent of the Responsible Authority or is otherwise exempt by the Planning Scheme.

15. Any tree removal must be undertaken by a minimum AQF level 5 arborist to the Australian Standard – Pruning of Amenity Trees AS 4373-2007.
16. To offset the removal of 0.032 hectares of native vegetation, the permit holder must secure native vegetation offsets, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:

A general offset of **0.005** general habitat units:

- a) Located within the North Central Catchment Management Authority (CMA) or Macedon Ranges Shire Council municipal district;
- b) With a minimum Strategic Biodiversity Value score of at least **0.095**; and

Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:

- a) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register, and/or
- b) An established first party offset site including a security agreement to the required standard, signed by both parties, and a 10-year offset management plan to the satisfaction of the Department of Energy, Environment and Climate Action and approved by the Responsible Authority. The offset management plan must detail the 10-year management actions and ongoing management of the site. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan to the responsible authority. An offset site condition statement, including photographs must be included in this notification.

17. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Energy, Environment and Climate Action.

#### MRSC Engineering Unit Conditions

18. Prior to the commencement of works of the subdivision, Engineering Plans must be submitted to and approved by the Responsible Authority including payment of plan checking and supervision fees. The plans must include:
  - a) Underground stormwater drainage to each lot in the subdivision within its own boundaries.
  - b) Water-sensitive urban design measures.
  - c) A detention System for all the three lots.
  - d) Stormwater 2.5-metre easement through Lot 2 and Lot 3 and beneficial to Lot 1 and also a separate easement in Lot 2 and Lot 3 beneficial to Lot 2.





- e) A partial demolition plan to gain common access for Lot 2 and Lot 3.
19. Prior to the commencement of works, an "Asset Protection Permit" must be obtained from Council for any of the following circumstances:
- Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
  - Occupying a road for roadworks.
  - Connecting any land to a stormwater drain.
  - Opening, altering or repairing a road.
  - Opening, altering or repairing a drain.
  - Accessing a building site from a point other than a crossover.
  - Construct/repair/widen/remove any crossover.
20. Prior to the issue of a Statement of Compliance, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.
21. Prior to works commencing, engineering plans detailing the stormwater drainage are to be submitted for Macedon Ranges Shire Council approval, and plan and supervision fees are paid. The subdivision is to be provided with a drainage system to a design approved by the Responsible Authority and such that:
- The subdivision as a whole is provided with a legal point of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.
  - The flow paths of a 1 % AEP storm need to be determined and the subdivision designed such that no private property is inundated.
  - The drainage system must have provision for runoff from the upstream catchments and include any downstream works necessary to manage flows from the subdivision.
  - Objectives of the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) are satisfied.
22. Prior to the certification of the plan of subdivision, Engineering Plans must be submitted and approved by the Responsible Authority including plan checking and supervision fees. The plans must include:
- Stormwater details pipe alignment from the proposed development to the designated outfall.
  - A Stormwater detention system demonstrating 10 % AEP and flow restricted to 20% AEP.
23. The subdivision is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).
24. Prior to the commencement of use, the proposed crossover within Cherry Lane must be upgraded to sealed standards to the satisfaction of the Responsible Authority.

#### **CFA Conditions**

##### Hydrants





25. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

- A fire hydrant is to be installed adjacent to the entry to the property
- The hydrant must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note –CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))

26. Common Property Driveway 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 average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.

#### **Powercor Conditions**

27. This letter shall be supplied to the applicant in its entirety.

28. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.

29. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

**Notes:** 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.

30. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

**Notes:** Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

31. Easement (E-1) can be removed (at the owner's expense) from the property title. Powercor Australia Ltd has no further interest in this land.

#### **Downer Conditions**

32. The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the Subdivision Act 1988.

#### **Greater Western Water Conditions**





33. The owner of the land must enter into an agreement with Greater Wester Water for the provision of water and sewer supply.

**Expiry Condition:**

34. 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 within five years of the certification of the subdivision.

In accordance with Section 69 of the Planning and Environment Act 1987 an application may be submitted to the Responsible authority for an extension of the period referred to in (a) of this Planning Permit condition.

**Permit Notes:**

- Future owners of the land must be made aware of the existence of this permit.
- As the proposal is for a subdivision of three lots, Clause 56.09-3 of the Macedon Ranges Shire Planning Scheme requires compliance with Standard C29. The existing fire hydrants do not provide coverage in accordance with Standard C29 of Clause 56.09-3.





Consistency of the proposal with the Statement of Planning Policy (SOPP):

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
1	To ensure the declared area's natural and cultural landscapes are conserved and enhanced.		✓			
		Manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced.	✓			The subject site sits in an elevated position north of the town centre of Gisborne. Some views from Gisborne township and Jacksons Creek to the site are able to be achieved. To ensure views from Jacksons Creek and the township of Gisborne remain largely clear to the site and the escarpment, a minimum building envelope setback of 28m from the southern boundary will be required by a condition of the planning permit.
		Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.	✓			The proposal involves the removal of Two (2) native trees. Offsets will be required by permit condition in addition to a landscape plan which will require the planting of native vegetation within the site.
		Manage development around significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points.	✓			
		Manage development and infrastructure provision to ensure sequences of views from key road and rail corridors are maintained for current and future users.	✓			
2	To ensure the significant biodiversity, ecological and environmental values of the declared area are conserved and enhanced		✓			
		Conserve and enhance high-value native vegetation and biodiversity and their ecological integrity by undertaking responsible environmental management, planning, procedures and practices.			✓	Two (2) native trees are proposed for removal. These trees are shown by the vegetation removal report to be small scattered trees, which additionally were not identified as having high retention value by the arborist report. Offsets will be secured by way of permit condition and a landscape plan will be required that will include the planting of additional native trees, providing environmental enhancement on site.

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Utilise appropriate historical ecological knowledge and practices from Traditional custodians of the land in the management of biodiversity and ecological and environmental values.			N/A	
		Encourage ecological restoration works in areas of identified state, regional and locally significant biodiversity value			N/A	
		Establish and improve bio links to connect high-value ecological areas, including areas along waterways and areas within and between towns.			N/A	
		Minimise the effects of weeds and pest animals on biodiversity values by establishing and implementing best practice land management plans.			N/A	
3.	<b>To prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.</b>				N/A	The site is not located within any special water supply catchment area.
		Protect water quality and natural systems by discouraging development that contributes to the degradation of water quality and quantity.			N/A	
		Manage land use and development, including dams, in Declared Water Supply Catchments to retain and improve water quality and improve yield to support regional water needs and to increase system-wide capacity to Respond to demand.			N/A	
		Reinforce the role of waterways as biodiversity Linkages and as corridors for native plants and animals.			N/A	
		Ensure water supply and land use planning policies are integrated, to realise efficiencies in regional catchment management and best practice, water-sensitive urban design.			N/A	
		Address the expected impacts of climate change, including changes in the duration and frequency of rainfall events and changes in the intensity and frequency of bushfire events.			N/A	
		Review and improve regulation and monitoring of groundwater licences and surface water diversions.			N/A	


Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
4.	To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.				N/A	The site is not located within Cultural Heritage Sensitivity area.
		With Traditional Owners, identify, protect, conserve and enhance sites, landscapes and views of Aboriginal cultural significance, consistent with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans.			N/A	
		With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning and managing land use and development, water and other environmental resources.			N/A	
5.	To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.				N/A	The proposed development does not have any interaction with areas of identified post-contact heritage significance.
		Conserve and enhance the character of state and/or nationally significant post-contact cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the declared area's heritage places, precincts and landscapes, including sequences of views along main road and rail routes.			N/A	
		Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.			N/A	
6.	To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.					The proposal does not contain any agricultural components.
		Encourage the use of rural-zoned land for agricultural purposes and encourage the use of high-quality soils for soil-based agriculture.			N/A	

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Encourage and support innovations in agricultural practices (such as sustainable farming, water reuse, technologies to enable farming to adapt and respond to emerging and niche markets).			N/A	
		Support agricultural practices that improve soil health and respond to and encourage adaptation to climate change.			N/A	
		Encourage measures to ensure agricultural practices protect and enhance soil quality, water quality, biodiversity and native plants and animals.			N/A	
		Manage the effects of rural land use and development on important environmental and cultural values.			N/A	
		Restrict the supply of rural-living-zoned land to conserve and protect agricultural practices.			N/A	
		Protect strategic extractive resource areas and existing quarry operations from encroachment from inappropriate development.			N/A	
		Proposals to establish an extractive industry must adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	
7.	<b>To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.</b>		✓			The proposal does not have any linkages to the tourism industry of the Macedon Ranges Shire. The proposal is respectful of the existing neighbourhood character.
		Support and facilitate sustainable and responsible tourism and recreation-related land uses and developments (such as agritourism) in keeping with the declared area's significant landscapes, environmental and cultural values.			N/A	
		Facilitate tourism-related land use and development that encourages people to recognise and understand Aboriginal and post-contact cultural heritage.			N/A	
		Ensure the conservation and enhancement of Declared Water Supply Catchment Areas of regional or state significance in the planning of tourism and recreational land uses.			N/A	
		Protect the unique rural character of towns in the declared area.	✓			The proposed development is responsive to the existing character and balances incremental

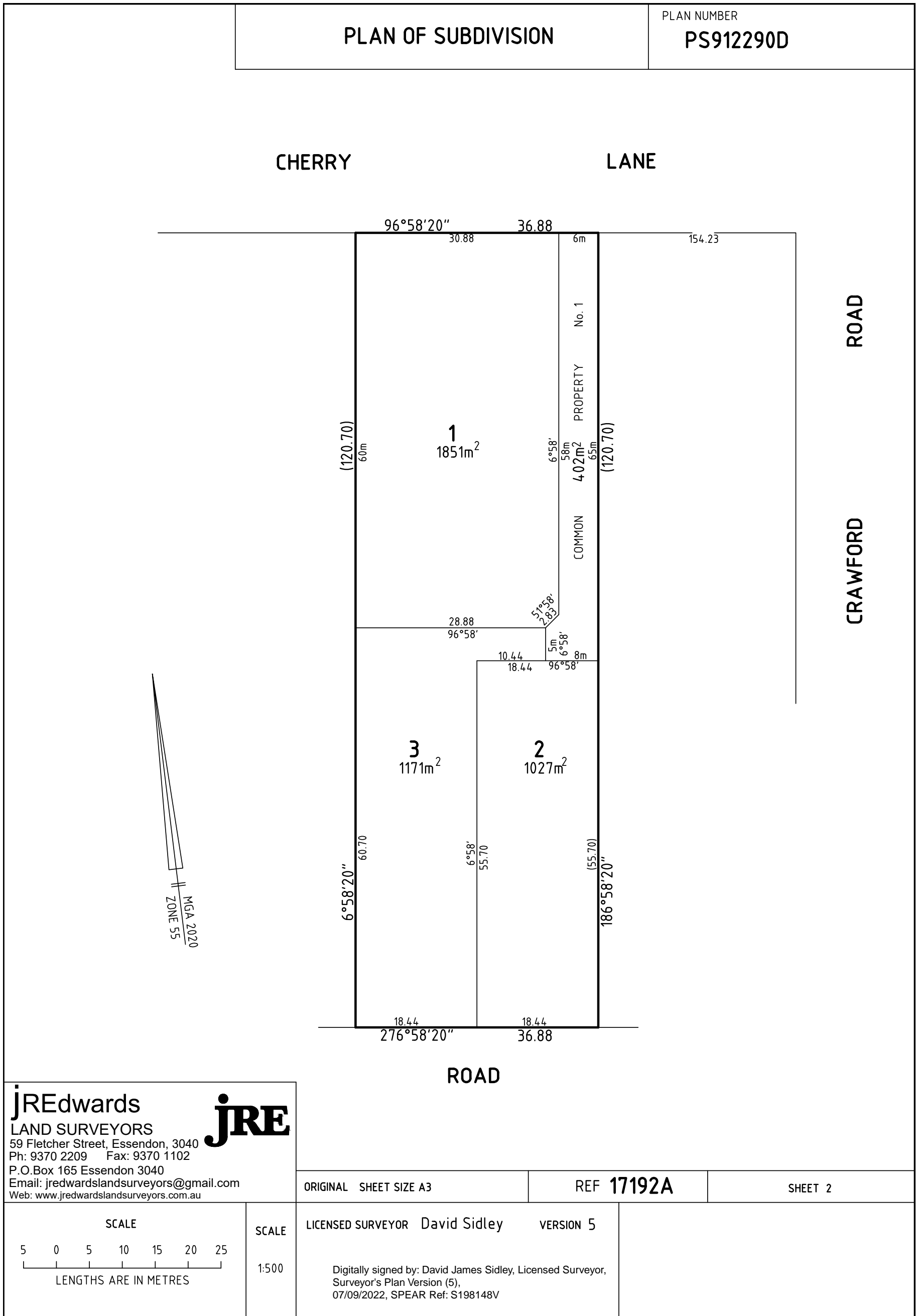
Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
						change with the need to be respectful of existing character of the area.
8.	To plan and manage growth of settlements in the declared area consistent 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.		✓			The proposal achieves a balance between facilitating additional needed land and housing and a considered response to the existing character of the area.
		Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.	✓			The proposal offers additional land that is well located with respect to community services and infrastructure. Gisborne is identified as a Regional Centre in the Macedon Ranges and is expected to accommodate additional population growth. Development within the township boundaries is preferable to allow for decreased development pressure in areas of environmental and agricultural significance.
		Direct rural residential development to rural-living-zoned land as provided for in the Macedon Ranges Council's rural living strategy, In the Rural Living Zone – Strategic Direction (2015).			N/A	
		Encourage infill development that respects the townships' character.	✓			The proposal is responsive to existing character. Land sizes within the proximity of the site (along Cherry Lane) range from upward of approximately 1300m <sup>2</sup> which is comparable to the proposed lot sizes for this application. North of the site along both Ormerod Court and Swinburne Avenue there is an emerging prevalence of battle axe style subdivisions. The proposed lot sizes are considered to be consistent with the character of the surrounding area and generous in size with regard to the intended density facilitated by the General Residential Zone.
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.			N/A	

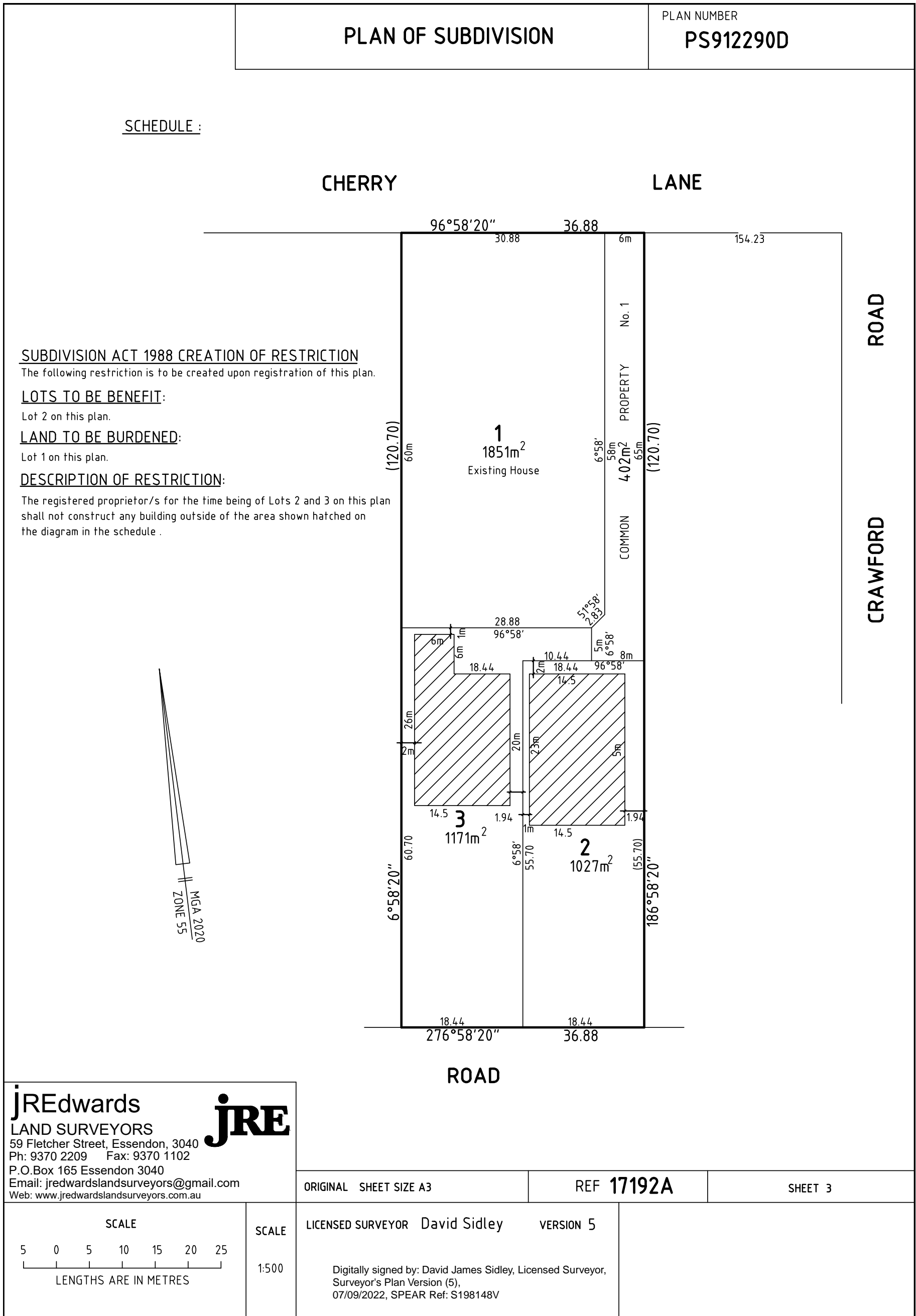
Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.	✓			Infill residential land supply in township areas is considered to contribute to a diverse housing stock available within the Gisborne Township.
		Encourage provision of an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services.			N/A	
		Encourage the use of voluntary Cultural Heritage Management Plans.			N/A	
9.	To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.		✓			
		Provide timely infrastructure and services to meet community needs in sequence with development.	✓			The site is connected to mains infrastructure. A development contribution will be required by way of permit condition.
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.	✓			The site has adequate transport connections, being located within proximity to the Calder Freeway and Bendigo Railway Line.
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.	✓			Access to the Bendigo V-Line service provides access to public transport for future residents.
		Maintain view lines of state-significant landscape features from the main road and rail transport corridors.			N/A	
		Ensure the future operation and development of major transport linkages and rail corridors and upgrading and improved management of freight routes are considered when managing the growth of settlements.	✓			The proposal is not considered to alter the expected demand placed upon existing infrastructure.
		Ensure equitable access to community infrastructure.	✓			The site is centrally located and future residents will have convenient access to community services.
		Encourage the use of active and public transport by planning infrastructure and facilities in accessible locations, and improve walking and cycling routes.	✓			The proposal is not of a scale that warrants the construction of additional community infrastructure.


Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
10.	Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.				N/A	
		Support community and government planning for disaster preparedness and climate resilience.			N/A	
		Manage bushfire risks while also retaining valued biodiversity and landscape character.				
		Plan for more renewable energy generation and distribution.			N/A	
		Ensure proposals to establish renewable energy facilities adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	
		Ensure planning for future use and development of land prone to flooding minimises the consequences of inundation.			N/A	

<b>PLAN OF SUBDIVISION</b>		LRS USE ONLY	<b>EDITION</b>	PLAN NUMBER <b>PS912290D</b>
<p style="text-align: center;">LOCATION OF LAND</p> <p>PARISH: Gisborne</p> <p>TOWNSHIP: Gisborne</p> <p>SECTION: 34</p> <p>CROWN ALLOTMENT: 27 (Part)</p> <p>CROWN PORTION:</p> <p>TITLE REFERENCES: Vol. 9014 Fol. 698</p> <p>LAST PLAN REFERENCE/S: Lot 1 LP110428</p> <p>POSTAL ADDRESS: 35 Cherry Lane (At time of subdivision) Gisborne, 3437.</p> <p>MGA-2020 Co-ordinates E 286675 ZONE: 55 (of approx centre of land in plan) N 5849425</p>		<p style="text-align: center;">COUNCIL CERTIFICATION AND ENDORSEMENT</p> <p>Council Name: Macedon Ranges Shire Council</p> <p>SPEAR Reference Number: S198148V</p>		
<b>VESTING OF ROADS AND/OR RESERVES</b>				
IDENTIFIER	COUNCIL/BODY/PERSON			
Nil	Nil			
<b>NOTATIONS</b>				
<p>DEPTH LIMITATION: DOES NOT APPLY</p> <p>STAGING: This is not a staged subdivision.</p> <p>The land being subdivided is shown enclosed by thick continuous lines.</p> <p>Common Property No.1 is all the land except lots 1 to 3.</p> <p>Other Purpose of Plan: To remove the easement shown marked E-1 from lot 1 on plan of subdivision LP110428.</p> <p>Grounds for removal: Macedon Ranges Shire Council planning permit No. PLN/2022/314.</p> <p>SURVEY: THIS PLAN IS BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s) - PROCLAIMED SURVEY AREA No.- N/a</p>				
<b>EASEMENT INFORMATION</b>				
<b>LEGEND</b>	A-Appurtenant Easement	E-Encumbering Easement	R-Encumbering Easement (Road)	
<b>SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO ALL THE LAND IN THIS PLAN</b>				
Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour of
REF <b>17192A</b>		ORIGINAL SHEET SIZE A3		SHEET 1 OF 3 SHEETS
<p><b>JRE</b> Edwards LAND SURVEYORS 59 Fletcher Street, Essendon, 3040 Ph: 9370 2209 Fax: 9370 1102 P.O.Box 165 Essendon 3040 Email: jredwardslandsurveyors@gmail.com Web: www.jredwardslandsurveyors.com.au</p> 		<p>LICENSED SURVEYOR David Sidley VERSION 5</p> <p>Digitally signed by: David James Sidley, Licensed Surveyor, Surveyor's Plan Version (5), 07/09/2022, SPEAR Ref: S198148V</p>		







OWNERS CORPORATION SCHEDULE							PS912290D																				
Owners Corporation No. 1							Plan No. PS912290D																				
Land affected by Owners Corporation:							ALL OF THE LOTS IN THE TABLE BELOW																				
							Common Property No.: 1																				
Limitations of Owners Corporation:							Unlimited																				
Notations NIL																											
							<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="3">Totals</th> </tr> <tr> <th></th> <th>Entitlement</th> <th>Liability</th> </tr> <tr> <td>This schedule</td> <td style="text-align: center;">30</td> <td style="text-align: center;">30</td> </tr> <tr> <td>Balance of existing OC</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Overall Total</td> <td style="text-align: center;">30</td> <td style="text-align: center;">30</td> </tr> </table>						Totals				Entitlement	Liability	This schedule	30	30	Balance of existing OC	0	0	Overall Total	30	30
Totals																											
	Entitlement	Liability																									
This schedule	30	30																									
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Overall Total	30	30																									
Lot Entitlement and Lot Liability																											
Lot	Entitlement	Liability	Lot	Entitlement	Liability	Lot	Entitlement	Liability	Lot	Entitlement	Liability																
1	10	10																									
2	10	10																									
3	10	10																									
<p><b>jREdwards</b>                  LAND SURVEYORS                  59 Fletcher Street, Essendon, 3040                  Ph: 9370 2209 Fax: 9370 1102                  P.O.Box 165 Essendon 3040                  E-mail: jredwards1@optusnet.com.au</p> 							Surveyors Reference 17192  Digitally signed by: David James Sidley, Licensed Surveyor, Surveyor's Plan Version (5), 07/09/2022, SPEAR Ref: S198148V					SHEET 1 of 1 ORIGINAL SHEET SIZE: A3															

# Arboriculture Assessment for 35 Cherry Lane Gisborne

Prepared by Dean Platt and Jason Summers

September 2022



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**Documentation**

<b>Report Title</b>	Arboriculture Assessment for 35 Cherry Lane Gisborne
<b>Report for</b>	Polina Lvovsky
<b>Report directed by</b>	Dean Platt <sup>1</sup>
<b>Report written by</b>	Dean Platt <sup>1</sup> and Jason Summers <sup>4</sup>
<b>Internal editing</b>	Dean Platt <sup>1</sup> , Lorien Firminger <sup>3</sup>
<b>Previous Versions</b>	None
<b>Project No.</b>	1103

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- 3 – General Manager, Tree Wishes – GDipSc (Environment); BAppSc (Biology)
- 4 – Consultant Arborist - BAppSc (Arboriculture); Master of Forest Sc.

**Document Review**

<b>Version</b>	<b>Date</b>	<b>Review (Internal/External)</b>
Draft	17/3/2022	Tania Begg <sup>2</sup>
Final	28/3/2022	Tania Begg <sup>2</sup>
Final V2	21/9/2022	Dean Platt <sup>1</sup>
Final V3	16/7/2023	Jason Summers, Tania Begg

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## Introduction

Tree Wishes consultancy was commissioned to assess the trees on the 0.44-hectare allotment of 35 Cherry Lane in Gisborne (hereafter referred to as the site). This site is the subject of a planning permit application for a subdivision. In 2021, Tree Wishes undertook a native vegetation assessment of this site, in response to the proposed removal of one large tree. This assessment concluded that "the vegetation of the site is sparse within a domesticated setting. The site carries planted trees and a general mix of lawn and garden."

This assessment provides full arboricultural data on all the trees on this site. Surveys were undertaken by a qualified arborist and a qualified vegetation quality assessor. Trees were located using aerial imagery and the site plan developed by JR Edwards Land Surveyors.

## Survey Objectives

The objectives were to assess the following features of all trees on this site:

- Identification and origin
- Physical descriptors
- Retention values
- Legislative connotations

## Results

### Landscape Setting

According to the Victorian Government's *Naturekit* modelling, the original tree cover across this landscape was forest and woodland, dominated by eucalypt species. Very few remnants of these communities exist in the local landscape, although it is likely that one of the smaller trees – as determined in the Tree Wishes 2021 report – is a remnant *Eucalyptus viminalis*.

The typical tree cover of the neighbourhood is of planted exotic species in suburban gardens and street trees.

### Legislative Setting

The removal of native vegetation within the Macedon Ranges is generally permitted only through the Clause 52.17 of the Planning Scheme whereby a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

Planted vegetation including gardens among other things is exempt from this permit requirement in accordance with the Table of exemptions of Clause 52.17-7.

A permit for the removal of the vegetation may still be required, however, in planning schemes within specifications of Zones and Overlays. This is not the case for this site that lies within a General Residential Schedule 1 Zone which has no explicit objective related to vegetation management. The site also carries a Development Contributions Plan Overlay Schedule 2. This has no relevance to vegetation.

## Site Description

This site is highly domesticated with around trees growing across the front and rear yards which carry a mix of lawn and gardens of a single dwelling. No remnant native understorey or ground cover vegetation exists.

## Tree Descriptions

Some seventeen trees were detected across this site, two of these are classed as remnant native and the remainder as planted. Table 1 below provides the arboricultural data on these. Figure 1 below shows the location of these trees.

## Proposal Implications on Trees

Any proposed subdivision of this site may result in tree losses for the construction of new development.

### Definitive Tree Losses

Trees 1, 2, 8, 9 and 10 are to be removed or considered removed.

Tree numbers 1 and 10 are protected under the Macedon Ranges Shire Planning Scheme – Clause 52.17. These two trees are considered 'lost' under this clause, given the proposed subdivisions will reduce the lot sizes below 4,000 square metres. If the proposal is permitted, the losses of these two trees will need to be accounted for under the protocols of this Clause, including a Native Vegetation Removal Report (NVRP). This NVRP is attached below as Appendix A.

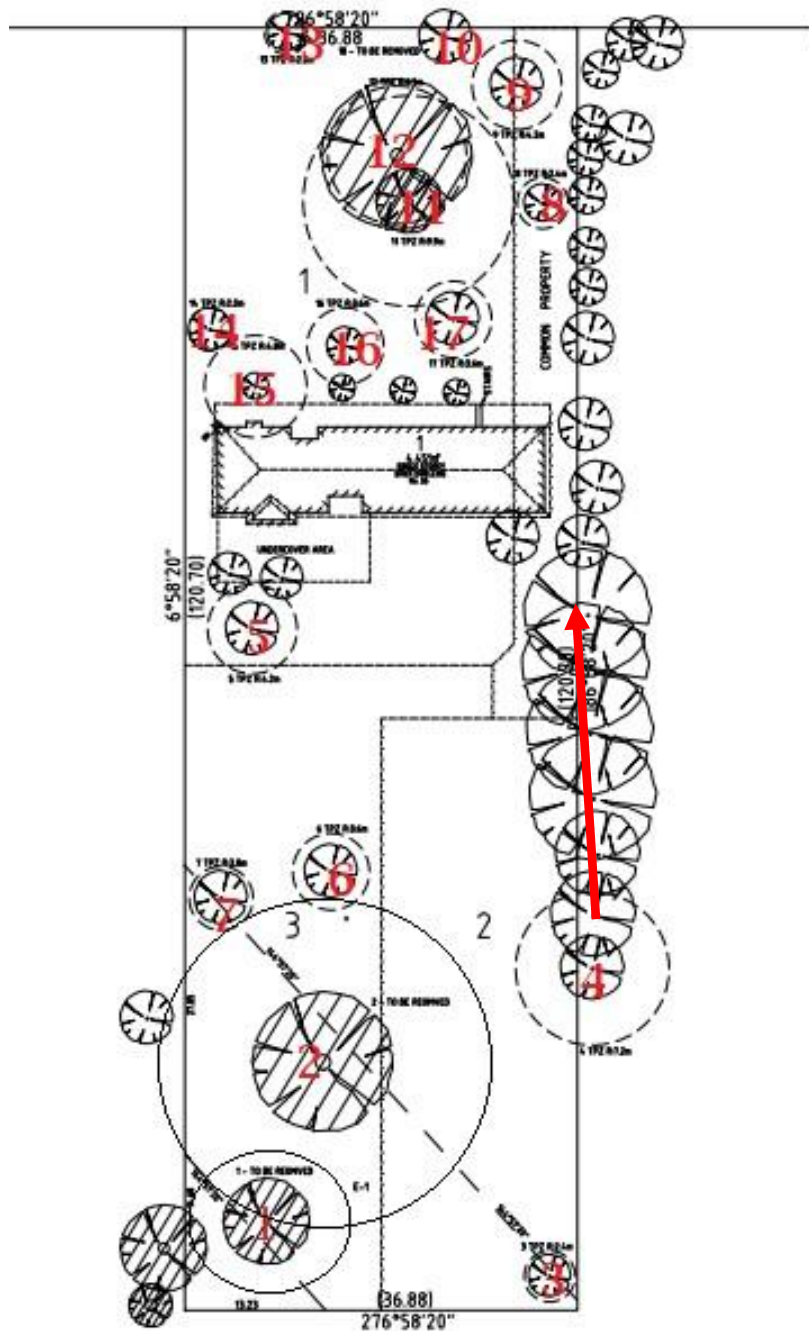
Trees 2, 8 and 9 are proposed to be lost for subdivision purposes.

### Remaining Trees

There has been no comment made on the removal or retention of the 12 remaining non-native trees. None of these remaining 12 trees are regarded as significant specimens. Only four trees – numbers 5, 6, 7, 11 and 15 – were assessed as in good health. Only Tree 5 was assessed as having good health and structure.

There is no specific intention to remove any of these trees. None are protected under local planning legislation and therefore could be removed without a permit. The attached Tree Protection Management Plan (Appendix B) provides the procedures to protect these trees.





**Figure 1.** The site showing the location of the 17 trees with TPZ across the proposed 3 lot subdivision plan.

**Table 1.** Seventeen trees were recorded on site, two of these – trees numbered 1 and 10 – are remnant natives.

Tree	Species	Height (m)	DBH (cm)	TPZ (m)	Approx. Age (yrs)	Health of tree	Structure	Comments
1	<i>Eucalyptus viminalis</i> (Manna Gum)	9	56	6.7	35	Fair	Poor	<b>Considered lost.</b> Significant remnant tree. Lost leader and dead wood.
2	<i>Corymbia maculata</i> (Spotted Gum)	15	121	14.5	40	Fair	Poor	<b>Remove.</b> Active split at base of tree.
3	<i>Betula pendula</i> (Silver Birch)	5	20	2.4	15	Poor	Poor	Major spilt along leader branch.
4	<i>Cupressus macrocarpa</i> (Monterey Cypress)	8	60	7.2 *	70	Fair	Fair	A row of seven trees. On neighbouring property, with canopy overhang onto this site. Some dieback and camber evident. The northern threes of this row may be impacted. Consider using a low impact driveway construction methodology within TPZ for these trees.
5	<i>Fraxinus excelsior</i> (Golden Ash)	4	35	4.2	20	Good	Good	Epicormic shoots/root suckers. Minor encroachment of TPZ from proposed border of allotment 1 and 3. Impact is unlikely to be major.
6	<i>Callistemon salignus</i> (Willow Bottlebrush)	3	30	3.6	30	Good	Poor	Root suckering, multiple trunks.
7	<i>Eucalyptus scoparia</i> (Wallangarra Whitegum)	4	25	3.0	15	Good	Poor	Crown shy from tree 11.
8	<i>Prunus</i> sp. (Plum)	4	20	2.4	20	Fair	Poor	2 trees; Stump suckers. <b>Remove</b> as part of driveway plan.
9	<i>Melaleuca stypheloides</i> (Prickly Paperbark)	5	35	4.2	30	Fair	Poor	Ivy-infested, needs to be removed if tree is retained. <b>Remove</b> as part of driveway plan.
10	<i>Acacia melanoxylon</i> (Blackwood)	4	25	3.0	30	Poor	Poor	<b>Considered lost.</b> Significant. Remnant understorey tree. Multi-trunked with dead

Arboriculture Assessment for 35 Cherry Lane Gisborne

2023

Tree	Species	Height (m)	DBH (cm)	TPZ (m)	Approx. Age (yrs)	Health of tree	Structure	Comments
								wood at tip.
11	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	14	83	9.9	30	Good	Fair	Bifurcated with some dead wood.
12	<i>Eucalyptus tricarpa</i> (Ironbark)	10	54	6.5	25	Fair	Very Poor	Serious bifurcation, over-crowded.
13	<i>Callistemon</i> sp. (Bottlebrush)	2	15	2.0	20	Fair	Poor	Shrub more so than a tree.
14	<i>Betula pendula</i> (Silver Birch)	4	15	2.0	10	Poor	Poor	Major snap along leader branch.
15	<i>Melaleuca</i> sp. (Paperbark)	5	40	4.8	20	Good	Fair	Ivy-infested, needs to be removed if tree is retained.
16	<i>Prunus</i> sp. (Plum)	5	30	3.6	20	Fair	Poor	Stump suckers.
17	<i>Pittosporum tenuifolium</i> (Pittosporum James Stirling)	3	30	3.6	20	Fair	Fair	Twin trees.

- Measured as maximum for all trees in row

## Appendix A – Native Vegetation Removal Report

**When all native vegetation is mapped, click "Proceed to results"**

If you need to edit the mapped native vegetation, click the "Edit" button. When you have finished mapping all the native vegetation you plan to remove, click "Proceed to results".

**Address:**

35 CHERRY LANE GISBORNE 3437

Extent of past native vegetation removal: 0.000 ha

**Summary of mapped native vegetation**

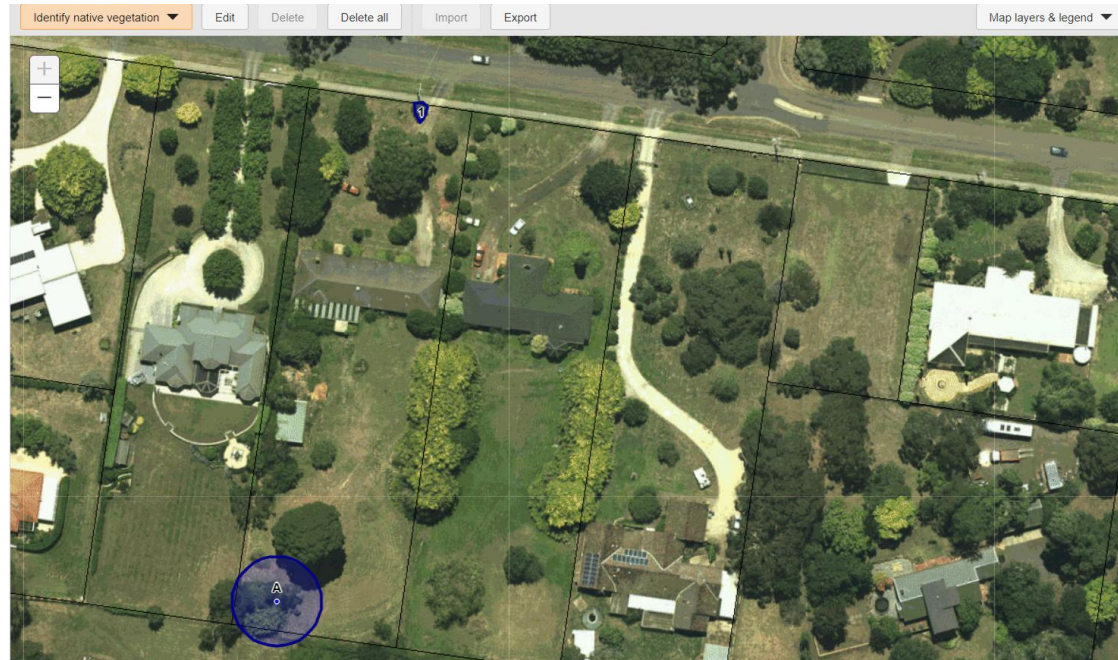
Patch:	
1	0.001 ha
Scattered trees:	0.031 ha
Small scattered trees:	
A	176.0 cm
<b>Extent of all mapped native vegetation:</b>	<b>0.032 ha</b>

Native vegetation extent for assessment pathway: 0.032 ha

Location category: 1

Assessment pathway: Basic

Proceed to results



[← Back to Identify your proposal](#)

### Assessment pathway details

#### Summary of native vegetation

Assessment pathway	Basic
Location category	1
Extent used to determine assessment pathway	0.032 ha
Past removal:	0.000 ha
Mapped native vegetation	
Patch:	
1	0.001 ha
Scattered trees:	0.031 ha
Small scattered trees:	
A	176.0 cm

#### Why is the assessment pathway Basic?

The following table explains how the assessment pathway is determined:

Extent	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

This proposal is in the Basic Assessment Pathway because:

- The extent when combined with past native vegetation removal is less than 0.5 hectares.
- The mapped native vegetation is located entirely within Location 1
- The mapped native vegetation does not include the removal of any large trees.

An application for the removal of this native vegetation must meet the requirements of, and will be assessed in the Basic Assessment Pathway.

#### Next steps

If you have not finished mapping the native vegetation you plan to remove, destroy or lop or you want to change what you have mapped, go back to 'Identify your proposal'.

If you have finished mapping the native vegetation, click 'Next' to calculate offset requirements.

[Next >](#)

[← Back to Assessment pathway details](#)

### Offset requirements

A native vegetation offset will be required if a permit is granted to remove the mapped native vegetation. The offset must meet the following requirements:

Offset type	General offset
Offset amount (general habitat units)	0.005
Offset attributes	
Vicinity	Port Phillip And Westport Catchment Management Authority (CMA) or Macedon Ranges Shire Council
Minimum strategic biodiversity value	0.095
Large trees	0 tree(s)

### Summary of mapped native vegetation

Assessment pathway	Basic
Location category	1
Total extent of native vegetation used to determine assessment pathway	0.032 ha
Total extent of native vegetation mapped to be removed (patches plus extent of scattered trees)	0.032 ha
Total number of large trees	0 tree(s)
Strategic biodiversity value score	0.119
Condition score	0.200

[+ Show details](#)

[Next >](#)

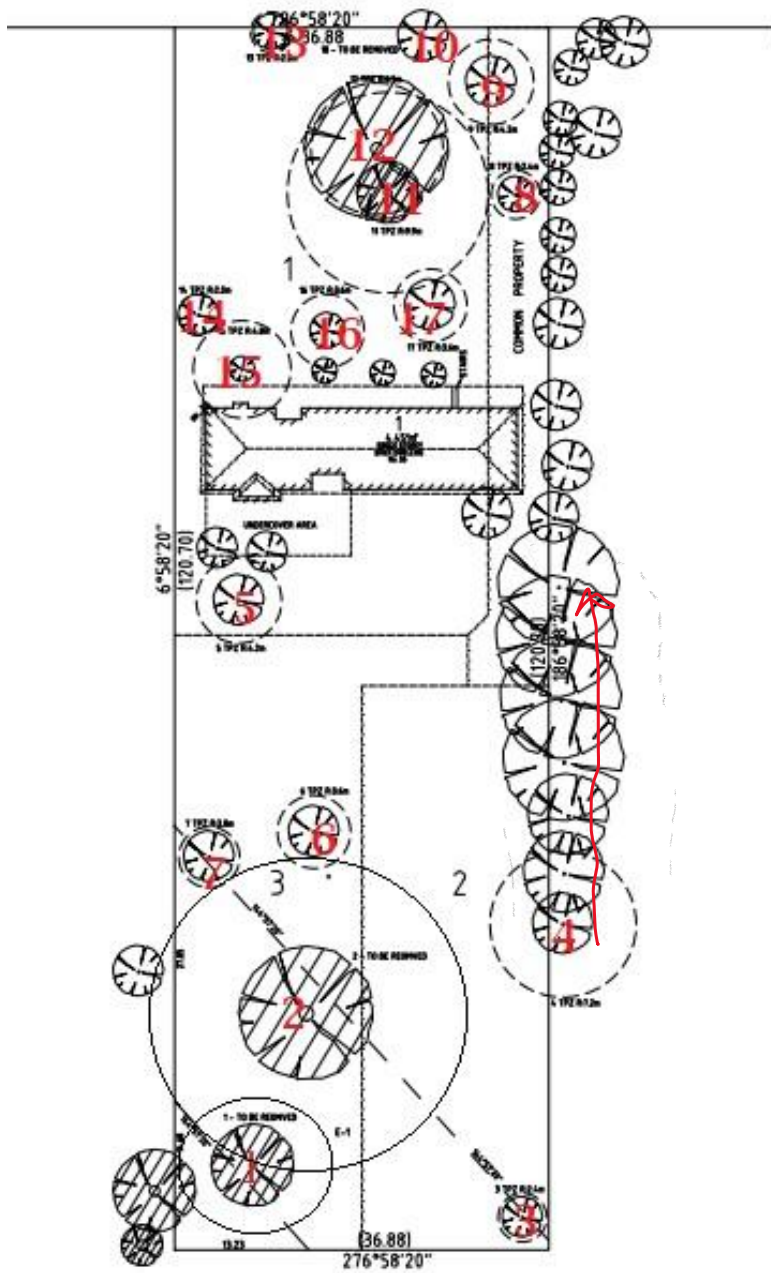
## Appendix B1 – Tree Protection Management Plan

### Introduction

35 Cherry Lane Gisborne is proposed for a 3-lot subdivision. Surveys by Tree Wishes in 2021 revealed that the site carried vegetation that was predominantly planted trees and shrubs with some limited remnant native vegetation in the form of one scattered tree and one understorey tree.

Table 1 of this document (main report) indicates that of the 17 trees recorded, trees 1, 2, 8, 9 and 10 are to be removed or considered removed. The remaining 12 trees are unlikely to be impacted by the proposal.

A report was requested by MRSC to be submitted to plan for the protection of these remaining 12 trees. This Tree Protection Management Plan (TPMP) provides this protection plan.



**Figure B1.** Seventeen trees marked across the site. Eleven trees (numbers 3, 5, 6, 7, 11 – 17) are unlikely to be impacted by the proposal. Tree 4 is a tree-row and the northern three trees of this will require low-impact driveway methodology as part of protection. The remaining five trees (trees 1, 2, 8-10) will be removed.



#### Discussion on Retention

Figure B1 above indicates those 12 trees requiring retention plans. These are trees 3 – 7, 11 – 17). Of these, tree 4 (is considered as a row of trees) will require attention to low driveway construction as part of the retention of three of the northern trees that form a greater row of trees.

Changes to proposal layout were considered and it was determined by the subdivision designers that further changes to the layout would be too disruptive to other elements of this and adjoining developments. Avoiding impact from driveway is, therefore, not feasible.

Those trees to be retained will be managed by the following measures.

#### **Tree Protection Zone**

The Tree Protection Zone (TPZ) is the principle means of protecting trees on development sites. Tree Protection Zone is a specified area above and below the ground and at a given distance from the trunk set aside for the protection of a tree's roots and crown to provide for tree viability and stability.

All the trees on site have tree protection zones (TPZ's) which are measured as a radius from the trunk of the tree. All TPZ extend beyond the allotment they exist on and protection measures if possible will require implementation across more than one allotment. All TPZs extend onto the proposed road reserves which would require tree sensitive construction design, which may be impractical on such street planning.

#### **Other Protection Measures**

All the trees must be retained on site, and cannot be lopped, trimmed or removed for any reason.

All trees must be sturdily fenced during construction of dwellings and associated buildings at the site to ensure impact does not occur.

The types of actions which must not occur within the tree protection zone:

- No grazing of domestic stock is to occur.
- No vehicular access or parking.
- No soil disturbance such as trenching or excavation.
- No cultivation.
- No preparation of building materials either physical or chemical.
- No washing down of machinery or cleaning of equipment.
- No soil storage.
- No piling of building materials or dumping of waste.
- No buildings or sheds to be constructed.

#### **Road design and construction**

The low impact driveway essentially minimises disturbances within the TPZ and allows for the continued use of the soil resources which exist below the driveway pavement by allowing for the exchange of soil moisture and gaseous into the root zone. To achieve both a stable path and one which is porous some critical construction methods are required. It is recommended that at this site the fall of the low impact path be directed in a way that maximises water runoff towards the tree ensuring percolation through the soil profile and tree's root zone. There are several products now available in the market for low impact pathways. Appendix B2 provides details on suitable products

#### **Monitoring and Certification**

This approved Tree Protection Plan must be available on-site prior to and during works.

**Conclusion**

The retention of the 12 trees is possible with the adherence to the proposed TPZ fencing and other protective measures and low impact driveway construction for trees as part of tree-row 4.

## Appendix B2 – Low Impact Driveway Products and Installation Guides



WaterPave’s patented Permeable concrete product DriveCon® has now been engineered to include the use of recycled “single use” soft plastic, producing Australia’s first environmentally friendly Permeable concrete paving system. Like our conventional DriveCon® system, PlastiRok™ has been engineered to carry pedestrian and vehicle loads, while absorbing rain water which reduces the effects of flooding and recharges the soil below, satisfy local council permeability requirements.

Combining state of the art Australian plastic recycling technology and our patented admixtures WaterPave can now use 95% post-consumer soft plastics that are recovered from a major recycle program here in Australia. All recycled plastic used in our DriveCon® PlastiRok™ product comes from Australia’s own waste. No international waste products are used.

The innovative technology turns post consumer soft plastic into what looks like mined aggregate and behaves very similar to that of traditional mined aggregate once combined with cement. This enables WaterPave to replace a percentage of mined aggregate with PlastiRok™ without compromising the strength, water absorbing rates and its long term performance.



### Usage

Our standard design for our DriveCon® PlastiRok™ Permeable concrete product contains 22,000 pieces of “single use” soft plastics per cubic meter which would otherwise end up in our landfill. The inclusion of PlastiRok™ can be increased up to 50% equating to over 110,000 “single use” soft plastic bags saved from land fill per cubic meter.

**WATERPAVE AUSTRALIA**

1300 PERMEABLE (1300 737 632)

[www.waterpave.com.au](http://www.waterpave.com.au)



**Applications**

- Council footpath
- Commercial footpaths
- Driveways
- Carparks

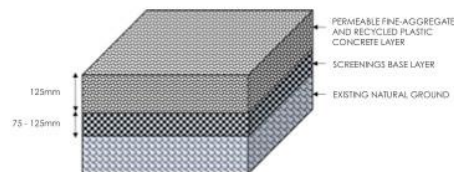


**Advantages**

- 95% post-consumer plastics
- 3 times lighter than mineral aggregate
- Lower thermal mass
- Less wear and tear on equipment
- Reduced transportation and installation

**Technical Information**

- Infiltration rates exceeding 30,000 mm/hr, which is more than twice the industry standard.
- Complies with Australian Standard AS 4586:2013 for Slip Resistance with a Classification of P5.
- At 125mm thick, General Mass Limits (GML) of up to 10 tonne can be carried.



**Colour Range**

While care is taken to correctly represent the final installed product, specifications and colours may vary without notice. Other colours are available upon request.



**Maintenance**

WaterPave offers a full maintenance programme to keep its Permeable paving system performing at its optimum flow rates all year 'round.

**WATERPAVE AUSTRALIA**

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**Figure 1.** Brysons Road WARRANWOOD VIC - DriveCon with bluestone oxide.



**Figure 2.** John Street, LORNE VIC - DriveCon with DriveTec black granite



**Figure 3.** Mt Dandenong Road, KILSYTH VIC - DriveCon natural



**Figure 4.** Odenwald Road, EAGLEMONT VIC - DriveCon with DriveTec silver granite



**Figure 5.** Yarra Valley School RINGWOOD VIC - DriveCon natural

**jREdwards**

**LAND SURVEYORS**

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## Design Response Report

Proposed 3 Lot Subdivision  
(PS 912290 D)

35 Cherry Lane,  
Gisborne, Vic. 3437.



**Design Response - Clause 56**

This application seeks to subdivide Lot 1 on plan of subdivision LP 110428 known as 35 Cherry lane, Gisborne into three lots and common property.

Lot 1 has an area of 1851m<sup>2</sup>, Lot 2 has an area of 1027m<sup>2</sup>, Lot3 have an area of 1171m<sup>2</sup> and the common property has an area of 402m<sup>2</sup>.

Presently, there is a single storey dwelling on the land contained within Lot 1.

Lots 1, 2 and 3 will all have access to and from the common property.

In the Macedon Ranges Shire Council Planning Scheme, the land is zoned General Residential Zone (GRZ).

**The Macedon Ranges Shire Council General Residential Zone Subdivision Guidelines**

The General Residential Zone subdivision criteria for the Hume Planning Scheme have the following purpose;

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

There are no specific character objectives within the scheme.

Subdivisions of 3 lots must address the following criteria;

1. All Clauses in section 56 except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

The proposed development has considered and responded to the purpose of the zone.

## Design Response

### 56.01 – Subdivision Site and Context Description

The design of the subdivision and existing features are shown in the supplied Feature, Level and Title survey. The proposed pattern of the subdivision is also shown in an attached Vicmap plan. The size, orientation and access of the lots are consistent with the surrounding area.

### 56.03-5 – Neighbourhood Character

The proposed pattern of the subdivision is also shown in an attached Vicmap plan. The size, orientation and access of the lots are consistent with the surrounding area.

### 56.04-1 – Lot Diversity

Lot sizes vary between 1027m<sup>2</sup> and 1851m<sup>2</sup>, providing housing diversity and choice. All lots are appropriately orientated and are of adequate size to construct future dwellings and associated outbuildings.

Lots will be reasonably accessible to all existing facilities such as shops, schools, community facilities and open space areas.

### 56.04-2 – Lot Area and Building Envelope

Lots range in area from 1027m<sup>2</sup> to 1851m<sup>2</sup>, and are suitably dimensioned to allow for the future construction of a dwelling, private open space area, vehicle access and parking plus garden area in all lots, lot 1 has an existing house and garden.

### 56.04-3 – Solar Orientation

Lots are appropriately orientated, with the lots being generally orientated north-south to maximise energy efficiency.

### 56.04-4 – Street Orientation

All lots have convenient access thru the common property and providing amenities and community interaction.

### 56.04-5 – Common Area

There is common property within the proposed subdivision to allow for access to all lots.

### 56.05-1 – Urban Landscape

There are no proposed street or open space areas within the proposed subdivision.

### 56.06-2 – Walking and Cycling Network

The proposed subdivision integrates well with the existing neighbourhood with good walking and cycling amenities.

Current amenities provide walking and cycling opportunities.

**56.06-4 – Neighbourhood Street**

There are no new streets proposed within the subdivision.

**56.06-5 – Walking and Cycling Network**

There are no new paths or networks proposed within the subdivision. Existing amenities provide walking and cycling opportunities.

**56.06-7 – Neighbourhood Street Network**

This does not apply to the proposed subdivision.

**56.06-8 – Lot Access**

All lots have frontages to Cherry Lane thru the common land/property, providing good visibility and safe access.

Crossover design can accommodate existing street planting, or replacement planting can be sited where the council approves.

**56.07-1 – Drinking Water**

The existing lot is and the proposed subdivision will be connected to reticulated water, meeting the needs of future residents and not overloading the existing infrastructure's capacity.

**56.07-02 – Reused and Recycled Water**

The proposed subdivision allows room for a recycled water system to be designed.

**56.07-03 – Waste water management**

The existing lot is and proposed subdivision will be connected to existing sewerage services where required.

**56.07-04 – Stormwater Management**

The proposed subdivision does not include any roads therefore no stormwater drainage system is required.

The existing lot is and proposed subdivision will be connected to existing LPOD as required.

**56.08-1 – Site Management**

All works will be carried out to reduce runoff, dust and other types of damage by appropriate procedures.

**56.09-1 – Shared Trenching**

There are no new streets proposed within the subdivision.

**56.09-2 – Electricity, Telecommunications and Gas**

The existing lot is and proposed subdivision will be connected to existing Electricity, Telecommunications and Gas services where and as required.

**56.09-3 – Fire Hydrants**

There are no new streets proposed within the subdivision, existing services apply.

**56.09-4 Public Lighting**

There are no new streets proposed within the subdivision.  
Existing lighting apply.

**Conclusion**

This proposal seeks to subdivide 35 Cherry Lane Gisborne and create three lots providing additional vacant land in the area while maintaining the neighbourhood's existing character and using good existing infrastructure and amenities.

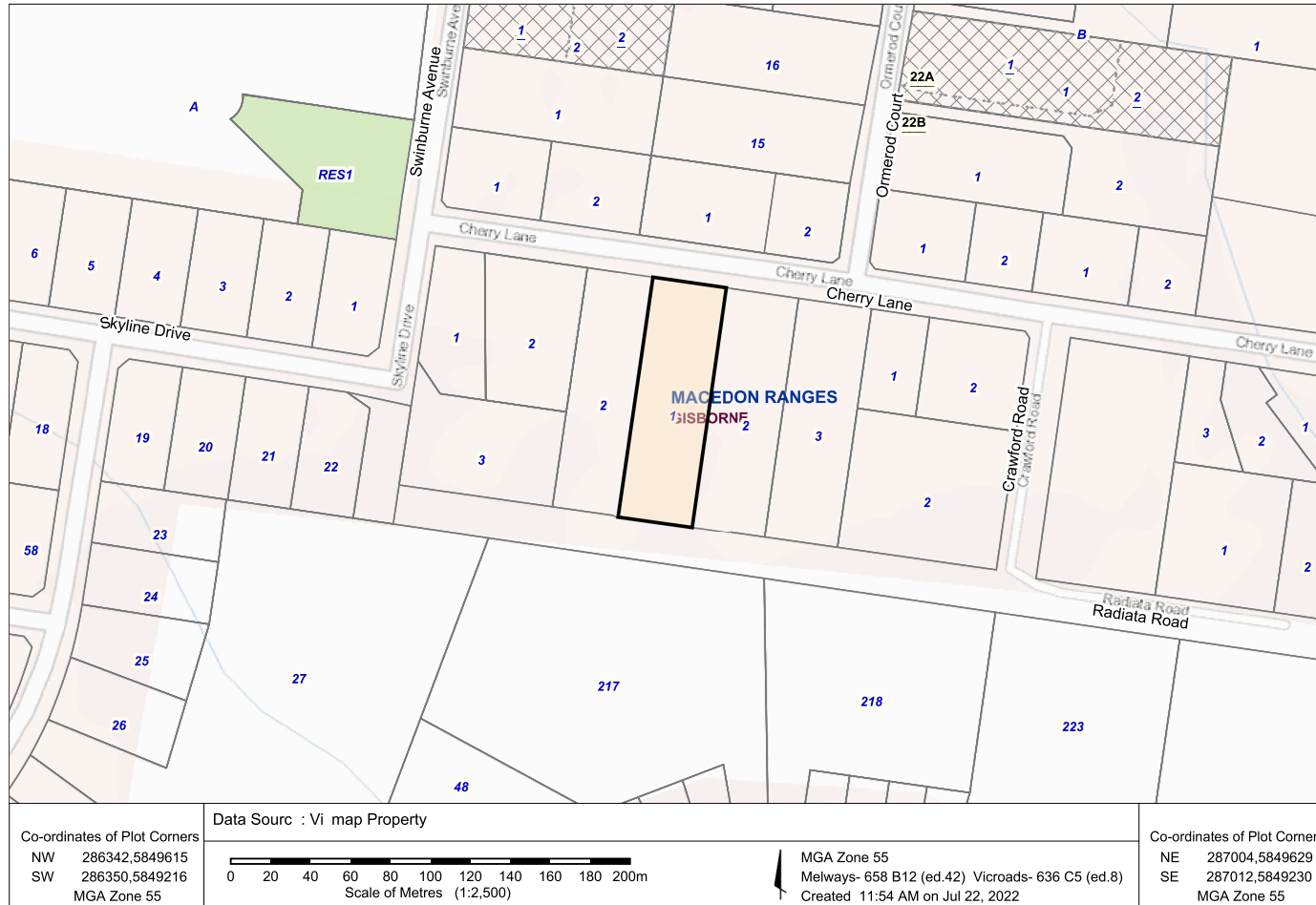
The development has been designed through careful consideration of adjoining properties, and the nature of the proposed lots should integrate well.

**David Sidley**

Licensed Surveyor

**jREdwards Land Surveyors**





<b>8.2</b>	<b>DP/2022/3 - 88A AND 90 WEDGE STEET KYNETON, DEVELOPMENT PLAN APPLICATION</b>
<b>Application Details:</b>	Application to approve a Development Plan
<b>Officer:</b>	Leanne Khan, Coordinator Strategic Planning
<b>Council Plan relationship:</b>	3. Improve the built environment
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. SoPP Assessment - DP/2022/3 <a href="#">↓</a></li> <li>2. DP/2022/3 88A and 90 Wedge Street Kyneton Development Plan (under separate cover)</li> </ol>
Triggers for a planning permit	Clause 43.04 – Application to approve a Development Plan application under Development Plan Overlay Schedule 17
Zones and Overlays	Neighbourhood Residential Zone- Schedule 10 Development Plan Overlay – Schedule 17 Wedge and Ebdon Street, Kyneton Former Industrial Zone Area Land Subject to Inundation Overlay(part) Environmental Audit Overlay Environment al Significance Overlay – Schedule 4
No. of objectors	31
Trigger for report to the Committee	Development Plan applications
Key Considerations	Traffic and lot density
Conclusion	Approve Development Plan
Date of receipt of application:	14 July 2022

**Summary**

Application DP/2022/3 seeks the approval of a Development Plan for 88A and 90 Wedge Street, Kyneton. The application is made under Development Plan Overlay Schedule 17 (DPO17) which allows more than one development plan.

The application has been assessed against the Macedon Ranges Planning Scheme and it is deemed to be consistent with the requirements of DPO17. It is recommended that application DP/2022/3 be supported and the attached proposed Development Plan be approved

**Recommendation**

**That the Committee approves the 88A and 90 Wedge Street Kyneton Development Plan prepared by Tomkinson dated July 2022 covering the land situated Crown Allotment 25, 26 & 27 Wedge Street, Kyneton and Lot 1 and 2, on PS635086Q 88A and 90 Wedge Street Kyneton prepared for the purposes of Clause 43.04, Schedule 17 of the Macedon Ranges Planning Scheme subject to the following changes**

- **Modify the Development Plan and associated Traffic Impact Assessment to show the Wedge Street bridge as a two way, one lane bridge with an at**

grade separated pedestrian and cycling path to the satisfaction of the responsible authority.

- Modify the Development Plan to show the percentage of unencumbered open space that will be provided as land and as a cash contribution.

**Existing conditions and relevant history**

Subject land

The site comprises of five parcels in single ownership with a dwelling, outbuildings, extensive garden and grassed paddock. The flora and fauna assessment indicates little remaining native vegetation on the site. The subject land borders a dwelling at 88 Wedge Street, Kyneton to the South. Together, 88 Wedge Street and 90 Wedge Street contains approximately 220m of frontage with Post Office Creek.



Figure 1 – Subject Land

Surrounds

The site is approximate 600m from Piper Street and approximately 1.8km from the High Street and Mollison Street intersection.

The area north of the site directly abuts a small industrial estate, zoned Industrial 1 Zone. The area contains a number of businesses including an earthmoving company, cabinet maker and auto electrician. Further north on Latrobe Street, north east and north-west of



the site are large lot dwellings in the Neighbourhood Residential Zone Schedule 1 with a minimum lot size of 2000m<sup>2</sup>.

East of the site is 85A Ebdon Street, which is vacant Crown land and known as the Police Paddocks. The land is zoned for residential development namely Neighbourhood Residential Zone Schedule 10 (NRZ10) and part of the same Development Plan Overlay as the subject land.

The area to the south is also zoned the NRZ10 and contains established dwellings and a panel beater.

Registered restrictive covenants and/or Section 173 Agreements affecting the site

None

Previous planning permit history

A search of Council's records has found the following permit history:

Permit No.	Description
PLN/2003/616	2 lot subdivision

**Proposal**

The proposal is for an application to approve a Development Plan for 88A and 90 Wedge Street Kyneton. The Development Plan does not include the remaining land in the DPO17 at 88 Wedge Street and 85A Ebdon St.

The Development Plan proposes 18 lots. The unmade road reserve between the industrial properties on Latrobe Street and this development will be created, as well as an internal access court to service five lots. The unmade road at Powlett Street will also be created to service five lots.

The lots are proposed between 559m<sup>2</sup> and 1021m<sup>2</sup> with an average lot size of 693m<sup>2</sup>. The application also seeks to create a 5201m<sup>2</sup> open space reserve adjoining Post Office Creek.

**Relevant Macedon Ranges Planning Scheme controls**

Section 46AZK of the Planning and Environment Act 1987

Section 46AZK of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme require Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers. Attachment 1 contains the officer assessment against the SOPP.

Planning Policy Framework

Clause no.	Clause name
02	Municipal Planning Strategy
11.01-1L	Settlement - Kyneton
11.02	Managing Growth
11.03-3	Peri-urban areas
12.05-2L	Landscapes – Macedon Ranges
13.02	Bushfire
15.01	Built Environment

15.01-3S	Subdivision Design
15.01-3L	Subdivision Design – Macedon Ranges
15.01-5S	Neighbourhood Character
15.01-5L	Neighbourhood Character – Macedon Ranges
16	Housing
19.03	Development Infrastructure

Zoning

Clause no.	Clause name
32.09	Neighbourhood Residential Zone – Schedule 10

Overlay

Clause no.	Clause name
42.01	Environmental Significance Overlay – Schedule 4
43.04	Development Plan Overlay – Schedule 17
44.04	Land Subject to Inundation Overlay
45.03	Environmental Audit Overlay

Particular provisions

Clause no.	Clause name
51.07	Macedon Ranges Statement of Planning Policy
53.18	Stormwater Management in Urban Development
56	Residential Subdivision

General provisions

Clause no.	Clause name
65.01	Approval of an Application or Plan

**Cultural Heritage Management Plan assessment**

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
2	Does the application proposal include significant ground disturbance as defined in Part 1 Regulation 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 of <i>Aboriginal Heritage Regulations 2018</i> ?	No

	Assessment criteria	Assessment response
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	Yes

A Cultural Heritage Management Plan is required under Part 4 of the *Aboriginal Heritage Act 2006*. A Cultural Heritage Management Plan has not been submitted at the time of writing this report, but it is understood it is completed and will be provided to Council in due course.

**The process to date**

The application was submitted to Council on 14 July 2022. The landowner, Armstrong Design & Technical Services Pty Ltd, has funded the preparation of the Development Plan. A further information request was sent to the applicant on the 9 November 2022. Most matters were resolved by 17 February 2023. The Environmental Audit Statement (as required by the Environmental Audit Overlay) and revised Traffic Impact Assessment were received on 16 August 2023.

Referral

Authority (Section 52)	Response
North Central Catchment Management Authority (NCCMA)	No objection. The NCCMA advises that the Kyneton Flood Study (2019) shows that in a 1% AEP flood event it is possible that the property may be subject to inundation from Post Office Creek. The NCCMA will require detailed plans as part of a planning permit application to fill in the dam/earthworks on the property and require conditions on the planning permit.  The NCCMA have no issues with the location of the drainage basin and the proposed creek reserve.
Environmental Protection Authority	Environmental Audit Statement has been approved
Downer (on behalf of AusNet Gas Services)	No objection.
Goulburn-Murray Water (GMW)	No objection. GMW requests that future dwellings will need to be set back at least 30m from the Creek and any plan of subdivision must show a building exclusion zone restricting buildings within 30m. It is noted that infrastructure for the management of stormwater is located within the 30m riparian zone of Post Office Creek, therefore any works and discharge may require relevant licensing from the NCCMA.
Coliban Water	No objection. Coliban Water notes that it may have specific requirements servicing the new lots and it may ask the developer to carry out some additional sewer and water works.
Powercor	No objection. Standard requirements requested.
MRSC Heritage	Treatment of the bridge and associated road works are appropriate
MRSC Parks and Gardens Unit	No matters to resolve

MRSC Environment	An initial request for further information resolved the following issues: - The need for a riparian management plan for the open space reserve. - Queries relating to lost vegetation that cannot be retained. These matters have been resolved.
MRSC Engineering	An initial request for further information resolved the following issues: - Drainage <ul style="list-style-type: none"> <li>o Location of the drainage basin – issue referred to NCCMA who have raised no objection to the size and location of the basin</li> <li>o More detailed stormwater calculations to ensure viability of proposed drainage solution.</li> </ul>
MRSC Open Space	No matters to resolve

Advertising

The application was placed on informal public notice on 2 June 2023 for 14 days. The public notice included notice to surrounding landholders and notice to the other landholders who were not party to the application but whose land is covered by DPO17.

Thirty-one (31) submissions were made to Council from 28 parties. One (1) submission was in support of the proposed development plan. Submitters were invited to the Planning Delegated Committee Meeting of 12 July 2023 to present their views to the Committee.

**Officer assessment**

The Municipal Planning Strategy sets out the overarching strategic directions for the Macedon Ranges Shire. Those of particular relevance are summarised below.

Clause 2.03-1 – Settlement establishes a hierarchy of settlements to appropriately direct and accommodate growth in the Shire. Gisborne is identified as a regional centre and the largest settlement in the Shire (along with Kyneton). It is specifically sought to focus growth in the regional centres with the existing town centre boundaries.

The relevant strategic directions for Kyneton are to:

- Manage urban growth and development in a co-ordinated and environmentally sustainable manner that respects the established semi-rural village character, natural setting, topography and view lines of the area.
- Ensure development occurs in a sequential manner allowing for the efficient and timely provision of social and physical infrastructure, and integration with existing development.

Clause 2.03-2 – Significant Environments and Landscapes identifies that the landscape character of the Shire is also defined by heritage gardens and treed avenues within townships and seeks to protect these components of the landscape.

Clause 2.03-5 - Built Environment and Heritage seeks ‘to protect and enhance the distinctive character and form of the Shire’s towns’. It is recognised that there is a need to provide greater housing diversity and choice close to town services is recognised. It is also policy to encourage subdivision in residential zones that responds positively to site features, integrates well with the neighbourhood, provides a functional environment and achieves energy efficient and environmentally sensitive layouts.

Clause 2.03-6 – Housing encourages the provision of diverse and affordable housing in settlements that have capacity for growth such as Kyneton. Housing is to accommodate all age groups, household types, income levels, lifestyles and preference. It is highlighted that careful management is needed to ensure development aligns with preferred character objectives for the particular area.

Clauses 11.01-1S – Settlement seeks to facilitate sustainable growth and development in Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

The local context is provided at Clause 11.01-1L – Settlement – Kyneton. This policy seeks to provide for managed growth of Kyneton by prioritising growth within the township boundary and managing staged greenfield growth to the south and southeast of town within the protected settlement boundary. The Kyneton Strategic Framework locates the within the township boundary and identifies the ‘strategic site; to support infill development. Specific strategies support the development of diverse housing options in the identified growth areas.

11.02-1S – Supply of Urban Land seek to facilitate sustainable development patterns that take full advantage of existing settlement patterns. The following objectives are relevant to this consideration:

- Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.
- Limit urban sprawl and direct growth into existing settlements.
- Promote and capitalise on opportunities for urban renewal and infill redevelopment.
- Ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- Planning for urban growth should consider:
  - Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
  - Neighbourhood character and landscape considerations

Clause 11.03-3S – Peri-Urban Areas seeks to manage “growth in peri-urban areas to protect and enhance their identified valued attributes”. Kyneton is identified as an established settlement that has potential for growth, and growth is to be accommodated in designated areas to avoid settlement sprawl.

Clause 12.05-2L – Landscapes – Macedon Ranges seeks to “preserve significant exotic and native vegetation as a fundamental component of the shire’s character and landscape.”

Clause 15.01-1S – Urban Design broadly emphasises the importance of creating quality environments that contribute positively to the local urban character and sense of place, and reflect the particular characteristics, aspirations and cultural identity of the community.

Clause 15.01-1L – Urban Design – Macedon Ranges more specifically seeks to:

- Ensure that development in townships respond to key features of existing streetscapes including building materials, colours, height, setbacks, bulk, articulation, significant vegetation, site coverage and density.
- Design development to provide for passive surveillance of public spaces.

- Retain mature vegetation and incorporate landscaping that integrates with the landscape character of the area and increases tree canopy coverage across townships.
- Encourage the use of landscaping in development including native vegetation.

Clause 15.01-5S - Neighbourhood Character seeks “to recognise and protect cultural identity, neighbourhood character and sense of place.” This policy seeks to provide a good quality urban environment and encourages adherence to good urban design principles in designing new development. Neighbourhood character policy specific to Kyneton at Clause 15.05-1L seeks to:

- To encourage development in Kyneton that achieves the preferred character of each precinct
- Maintain the predominant single storey character of established streetscapes.

The subject area is designated into Kyneton Township Residential Village West Precinct which contains the specific policy to:

- Maintain the garden setting of dwellings through the use of traditional front and rear setbacks, building footprints, inclusion of canopy trees into new landscaping and minimisation of hard surfaces.
- Maintain the streetscape pattern of regular, detached dwellings.
- Avoid removal of mature street trees and bluestone gutters/ streetscape elements.
- Support multi-dwelling development that:
  - Presents to the street as a single, detached dwelling.
  - Provides landscaping along internal driveways.
  - Protects the residential amenity of adjoining properties.

Clause 16.01-1S – Housing Supply promotes a housing market that meets community needs. Clause 16.01-1L – Housing Supply Kyneton provides the local context and directs planning “Support greater housing diversity on strategic redevelopment sites, as identified on the Kyneton Strategic Framework Map at Clause 11.01-1L, in a form that integrates with the surrounding residential areas in terms of scale, layout and design, and protects views from adjoining open space corridors.

The objective of Clause 16.01-2S – Housing Affordability is to locate new housing in designated locations that offer good access to jobs, services and transport and provide a range of housing types that meet the diverse and changing needs of the community. Clause 16.01-2L outlines the need to promote a range of housing options to improve housing affordability in the larger towns.

Clause 19.03-3S – Integrated Water Management seeks “to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.”

### Officer Review

State and local polies support the subject land as a strategic infill site capable of greater dwelling density/diversity than other parts of Kyneton. While much of the land north of the creek is zoned Neighbourhood Residential Zone Schedule 1 which has a minimum lot size of 2,000m<sup>2</sup>, the subject site is located within NRZ10 which has no minimum lot size requirement.

The proposed lot sizes range from 559 to 1,021sqm, with the majority being between 600-800sqm. This is broadly consistent with other sites within NRZ10 which contains a mix of standard residential lots. The plans show proposed building envelopes indicating building setbacks to support the character outcomes for the area.

The site is identified as being an infill site within close proximity to the centre of Kyneton. There is no change proposed to 88 Wedge Street in terms of lot size and the proposed entrance lot is 1,021m<sup>2</sup>. This meets 7.8 for the Kyneton Township Residential Village West Precinct in Clause 16.01-1L: "Support greater housing diversity on strategic redevelopment sites that integrates with the surrounding residential areas in terms of scale, layout and design, and protects views from adjoining open space corridors."

A key concern from objectors is the increase in traffic as a result of the development. Council's engineering team raised no initial concerns related to the Traffic Impact Assessment submitted with the application. To respond to community concerns raised, the applicant submitted a revised assessment proposing to widen Wedge Street approaching the bridge, install a give way sign to allow one car on the bridge at a time and speed humps/traffic calming measures.

This application does not trigger the need or the nexus to require a separate pedestrian bridge over Post Office Creek at this location or elsewhere in the precinct. Discussions have taken place between the applicant and Council staff to determine an appropriate response to separate walking and cycling from vehicle traffic on the Wedge Street Bridge that crossed Post Office Creek. Initially a one lane bridge and raised pedestrian platform with a width of 1.5m was discussed. Unfortunately this solution does not meet current engineering guidelines and cannot be supported. It has been agreed between Council officers and the applicant that a one lane, two way bridge and at grade separation at a width to be determined can be accommodated and is a suitable solution to manage traffic movement and enable separate pedestrian movement across Post Office Creek along Wedge Street.

Wedge Street has a pavement width of approximately 5m north of Post Office Creek, widening to approximately 6 m south of Post Office Creek. As part of the development, Wedge Street between Post Office Creek and the new unnamed access street will be widened to 6 m to accommodate the additional traffic and be consistent with the carriageway width further south.

Kerb and channel are not proposed for this development fronting Wedge Street or the proposed roads to blend in with the rural profile of surrounding streets. Footpaths are proposed along the unnamed access street and Powlett Street fronting this development.

Wedge Street is a Category 3 – Sealed Access road in Council's road register, with an accepted traffic count of between 500-1000 vehicles per day. A traffic counter was placed on Wedge Street near the bridge by Council between 31 August and 7 September 2023. This found that 12 vehicles in each direction per day travelled across the Post Office Creek Bridge. It is estimated that this development and that of the old police paddocks would introduce 360 car movements to this part of Kyneton. Only a portion of these are likely to use Wedge Street.

The applicant's traffic report indicates that the infill expected by the land covered by the entire DPO17 does not warrant a new bridge over Post Office Creek at Powlett Street. This is based on the assumption of 36 new lots on 85A Ebdon St (old police paddocks).

Both Ebdon and Wedge Streets are well within capacity limits to absorb future traffic movements in this area.

Objectors also raise concern regarding flooding of the site. The existing Land Subject to Inundation Overlay (LSIO) is not accurate for the site, however the applicant has obtained

updated mapping from the NCCMA. Building envelopes will ensure development will not occur in flood impacted areas.

Officers reviewed the drainage plans again following concerns raised in submissions, requesting more detailed calculations to support the stormwater management outcome. The proposed drainage basin is located above the 1:100 year floodline. The NCCMA have no objection to the location of the drainage basin. Detailed calculations indicate that the basin has ample room with predicted capacity to be approximately half of the overall storage capacity of 250m<sup>3</sup>.

Council has assessed a Management Plan for the riparian area that will eventually be vested to Council. The Management Plan is considered satisfactory.

The applicant is also required to provide a 5% open space contribution, which does not include encumbered land. Currently the proposed reserve adjacent Post Office Creek is part encumbered and part unencumbered land. Whilst this is ambiguous in the Development Plan (Attachment One), the intention is a monetary contribution will be sought to ensure the full 5% open space contribution is provided, part in land and part as a cash contribution. The ambiguous nature in respect to the public open space contribution is addressed as a condition to the approval of the development plan.

#### Neighbourhood Residential Zone Schedule 10

A review of the provisions under the NRZ10 including the particular provisions of clause 56 has occurred. As the Neighbourhood Residential Zone does not trigger the assessment of the development plan, it is considered an application for subdivision under the proposed development plan can be in accordance with the provisions of the NRZ10 and also clause 56 of the Macedon Ranges Planning Scheme.

#### Development Plan Overlay Schedule 17

The DPO17 seeks to implement the Municipal Planning Strategy and Planning Policy Framework for the Macedon Ranges Shire Council. It seeks to identify areas which require the form and conditions of future use and development, to be shown on a development plan before a permit can be granted to use or develop the land. It also seeks to exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

Clause 43.04-4 outlines the matters relating to the preparation of a development plan. These wider matters have all been previously satisfied and the amended development plan fills in the detail for the subject site. Specifically it requires:

- A subdivision design for all of the land covered by the plan which identifies the location, dimension and area of all lots.
- The provision of convenient internal and external access.
- The provision of appropriate integration and linkages to the established road networks and linkages to allow for future access opportunities to adjacent land.
- Lots oriented to maximise solar access and energy efficiency.
- A building envelope for each lot which is consistent with the preferred neighbourhood character for the Kyneton Township Residential Village West Precinct.
- Any requirements of the environmental audit that need to be addressed in Area A.
- A landscaping plan for roadside verges.
- A management plan for the riparian zone along the north bank of Post Office Creek for Area A.



- Stormwater and drainage design, which includes:
  - An integrated approach to stormwater system management designed and implemented on a catchment wide basis, that includes consideration of development impacts and provides for the stormwater management of any construction stage(s), interim stage(s) and the final development.
  - A stormwater management system that ensures peak discharge rates, volumes and pollutant loads of all stormwater leaving a site post development are no greater than pre-development and that ensures no detriment to any surrounding area or the water quality of Post Office Creek.
  - Identification of all land to be set aside for drainage purposes, detailing the approximate size and location of all drainage reserves and system components and that:
    - Includes measures to safely control discharge for all storms, including 1 in 100 year ARI events.
    - Includes designation of all floodways or areas subject to inundation.
    - Identifies and quantifies any site discharge off the site, detailing the location and manner of discharge across the site boundary.
- The provision of necessary physical and social infrastructure, including road and footpath works, traffic management improvements, drainage, community infrastructure elsewhere in the town that may be used by future residents in the development.
- The provision of all infrastructure reasonably required by the development of the land identified in this schedule, whether within or outside the developable area, and at no cost to the responsible authority.

Officers have reviewed and are satisfied the documents meet the outcomes sought by the DPO17 and can be approved.

#### Land Subject to Inundation Overlay

Mapping in the Planning Scheme for the LSIO needs to be updated with new mapping as part of the Kyneton Flood Study (2019). Development does not occur on land within the 1:100 year flood level.

#### Environmental Audit Overlay

An Environmental Audit was submitted for the site on 16 August 2023, concluding the site is suitable for residential development

#### **Officer declaration of conflicts of interest**

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

Consistency of a proposal with the Statement of Planning Policy: DP/2022/3 – 88a – 90 Wedge Street, Kyneton - Development Plan.

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
1	<b>To ensure the declared area's natural and cultural landscapes are conserved and enhanced.</b>					
		Manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced.	✓			It is considered the proposal does not impact on significant landscapes, views or vantage points in Kyneton.
		Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.	✓			While a number of trees and vegetation are to be removed, the layout provides a suitable interface with Post Office Creek and its riparian area and ensuring the protection of this area.
		Manage development around significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points.	✓			It is considered the proposed development layout will not have any impact on any significant landscapes.
		Manage development and infrastructure provision to ensure sequences of views from key road and rail corridors are maintained for current and future users.	✓			The site is generally removed from key road and rail connections and will not have an impact on surrounding key corridors.
2	<b>To ensure the significant biodiversity, ecological and environmental values of the declared area are conserved and enhanced</b>					
		Conserve and enhance high-value native vegetation and biodiversity and their ecological integrity by undertaking responsible environmental management, planning, procedures and practices.	✓			The proposal sets up an area of Post Office Creek to bring this into public access and ownership while improving vegetation outcomes along the riparian areas. This will build onto future connections along the creek towards 85a Ebdon Street.
		Utilise appropriate historical ecological knowledge and practices from Traditional custodians of the land in the management of biodiversity and ecological and environmental values.		✓		No response has been provided.
		Encourage ecological restoration works in areas of identified state, regional and locally significant biodiversity value	✓			Works along Post Office Creek are considered a suitable response.
		Establish and improve bio links to connect high-value ecological areas, including areas along waterways and areas within and between towns.	✓			Improvements to the environs of Post Office Creek will support the use of the area for bio-links and ensure ongoing maintenance.

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Minimise the effects of weeds and pest animals on biodiversity values by establishing and implementing best practice land management plans.	✓			Weed, pest and biodiversity impacts will be managed during works for future subdivision however there are no particular areas of note or concern.
3.	To prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.					
		Protect water quality and natural systems by discouraging development that contributes to the degradation of water quality and quantity.	✓			It is considered the application will have a minimal impact on local waterway systems but improve access and management.
		Manage land use and development, including dams, in Declared Water Supply Catchments to retain and improve water quality and improve yield to support regional water needs and to increase system-wide capacity to Respond to demand.	✓			A new stormwater management system will be developed for the subdivision. This will ensure suitable retention and discharge into Post Office Creek.
		Reinforce the role of waterways as biodiversity Linkages and as corridors for native plants and animals.	✓			The layout provides for a dedicated corridor for Post Office Creek which will link to adjoining sites when they are further develop.
		Ensure water supply and land use planning policies are integrated, to realise efficiencies in regional catchment management and best practice, water-sensitive urban design.	✓			MRSC Engineering have reviewed and accepted the design response. Further work will be undertaken at the time of subdivision.
		Address the expected impacts of climate change, including changes in the duration and frequency of rainfall events and changes in the intensity and frequency of bushfire events.	✓			North Central Catchment Management Authority have reviewed the proposal and offered no objection. Development will ensure it is outside of the 1 in 100 year flood event.
		Review and improve regulation and monitoring of groundwater licences and surface water diversions.			N/A	
4.	To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.					
		With Traditional Owners, identify, protect, conserve and enhance sites, landscapes and views of Aboriginal cultural significance, consistent			N/A	No CHMP has been provided. There will be a requirement for one at the time of the subdivision. There is no requirement a CHMP

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans.				is provided at the time of a development plan being submitted. A plan is currently being prepared for the site and is almost complete.
		With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning and managing land use and development, water and other environmental resources.			N/A	
5.	<b>To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.</b>					
		Conserve and enhance the character of state and/or nationally significant post-contact cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the declared area's heritage places, precincts and landscapes, including sequences of views along main road and rail routes.			N/A	No significant post-contact heritage has been identified on the subject site. A nearby bridge has some values but will not be effected by the proposal.
		Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.			N/A	
6.	<b>To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.</b>					
		Encourage the use of rural-zoned land for agricultural purposes and encourage the use of high-quality soils for soil-based agriculture.			N/A	
		Encourage and support innovations in agricultural practices (such as sustainable farming, water reuse, technologies to enable farming to adapt and respond to emerging and niche markets).			N/A	
		Support agricultural practices that improve soil health and respond to and encourage adaptation to climate change.			N/A	
		Encourage measures to ensure agricultural practices protect and enhance soil quality, water quality, biodiversity and native plants and animals.			N/A	

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Manage the effects of rural land use and development on important environmental and cultural values.			N/A	
		Restrict the supply of rural-living-zoned land to conserve and protect agricultural practices.			N/A	
		Protect strategic extractive resource areas and existing quarry operations from encroachment from inappropriate development.			N/A	
		Proposals to establish an extractive industry must adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	
7.	<b>To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.</b>					
		Support and facilitate sustainable and responsible tourism and recreation-related land uses and developments (such as agritourism) in keeping with the declared area's significant landscapes, environmental and cultural values.			N/A	
		Facilitate tourism-related land use and development that encourages people to recognise and understand Aboriginal and post-contact cultural heritage.			N/A	
		Ensure the conservation and enhancement of Declared Water Supply Catchment Areas of regional or state significance in the planning of tourism and recreational land uses.			N/A	
		Protect the unique rural character of towns in the declared area.	✓			
8.	<b>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</b>					

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
	values, and consistent with the unique character, role and function of each settlement.					
		Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.	✓			The DP directs development within the existing Kyneton township and fills in a strategic infill site.
		Direct rural residential development to rural-living-zoned land as provided for in the Macedon Ranges Council's rural living strategy, In the Rural Living Zone – Strategic Direction (2015).			N/A	
		Encourage infill development that respects the townships' character.	✓			The DP area is a suitable response to the character of the area in consideration of local policy and the controls applying to the site.
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.	✓			The is potential flooding risks from the Post Office Creek. However, the NCCMA has reviewed the proposal and subject to future conditions as part of the planning permit – do not object to the proposal.
		Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.	✓			The proposal nominates a range of lot sizes within the context of this area of Kyneton. It is considered the response is acceptable.
		Encourage provision of an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services.			N/A	
		Encourage the use of voluntary Cultural Heritage Management Plans.		✓		The applicant has not provided a voluntary CHMP.
9.	To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.					
		Provide timely infrastructure and services to meet community needs in sequence with development.	✓			Infrastructure will be required to be provided before dwelling development occurs.
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.	✓			Transport connections will be available. Improvements will be made to the local road network to support the development.

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.	✓			The site will provide future pedestrian connections and links along Post Office Creek which will directly connect into Ebden Street. This will improve connections to the wider area.
		Maintain view lines of state-significant landscape features from the main road and rail transport corridors.			N/A	There are no significant view lines within the context of the subject site.
		Ensure the future operation and development of major transport linkages and rail corridors and upgrading and improved management of freight routes are considered when managing the growth of settlements.			N/A	The subject development plan will not impact on freight.
		Ensure equitable access to community infrastructure.	✓			The subject development plan will provide improved linkages to be built on further by any development at 85a Ebden Street.
		Encourage the use of active and public transport by planning infrastructure and facilities in accessible locations, and improve walking and cycling routes.	✓			The subject development plan will improve the connections along Post Office Creek.
10.	<b>Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.</b>					
		Support community and government planning for disaster preparedness and climate resilience.	✓			The site is well away from likely bushfire disaster areas and flood risk can be managed subject to detail work at the time of subdivision.
		Manage bushfire risks while also retaining valued biodiversity and landscape character.	✓			There is limited biodiversity and landscape impact in preparing for bushfire risk however improved access to Post Office Creek will assist in bushfire mitigation.
		Plan for more renewable energy generation and distribution.		✓		There is no inclusion of any standalone renewable energy generation within the proposal.
		Ensure proposals to establish renewable energy facilities adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Ensure planning for future use and development of land prone to flooding minimises the consequences of inundation.	✓			The proposal will look to ensure no development occurs within areas subject to inundation. Further work will occur as part of the planning permit to ensure flood levels are not impacted.