



SUBMISSION TO MACEDON RANGES SHIRE COUNCIL

PROPOSED USE AND DEVELOPMENT OF A DWELLING

1427 Rochford Road, Newham – Lot 1 TP655719

Prepared on behalf of Andrew Nicolas | April 2020 | Ref: 1156601

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1 INTRODUCTION

This submission is made on behalf of Andrew Nicolas in support of a planning permit application seeking approval for use and development of a dwelling at 1427 Rochford Road, Newham.

The site is vacant and one of two parcels located at 1427 Rochford Road and accessed from Highland Lane. The site is formally identified as Lot 1 LP655719, the balance of the land (Lot 1PS542433) contains an existing dwelling and accessed from Rochford Road .

The subject site is in the Rural Conservation Zone – Schedule 1 (RCZ1) under the Macedon Ranges Planning Scheme and is affected by the following overlays:

- Environmental Significance Overlay – Schedule 4 (ESO4);
- Significant Landscape Overlay – Schedule 1 (SLO1)
- Vegetation Protection Overlay – Schedule 9 (VPO9);
- Bushfire Management Overlay (BMO)

The proposed use and development of a dwelling has been assessed against the relevant planning scheme provisions and satisfies all the necessary requirements for Councils' consideration and support in this regard. Dwelling size, siting and management of wastewater on the property has been prepared in consultation with Goulbourn Murray Water and North Central Catchment Management Authority who provided pre-application advice. Pre-application proceedings also included a site visit from GM water officers who provided additional advice on setbacks from waterway and remediation of erosion onsite.

Preparation of a Bushfire Management Statement was done so in consultation with Country Fire Authority who provided preliminary advice on vegetation setbacks and defendable space requirements.

Details of the site and its surrounds are provided in Section 3, details of the proposal are provided in Section 4, an assessment of the development in relation to the provisions of Macedon Ranges Planning Scheme is provided in Section 5.

The following documents must be read in conjunction with this report and are provided as part of the application:

- Copy of Title – Attachment 1
- Photos of Site and Surrounds – Attachment 2
- Site Context Plan – Attachment 3
- Design Response Plan – Attachment 4
- Dwelling Plans – Attachment 5
- Land Capability Assessment - Attachment 6
- Bushfire Management Statement – Attachment 7
- Environmental Management Plan

1.1 Planning history of the site

No planning permits have been issued previously for the site.

2 REGULATORY TRIGGERS

The proposed development requires a Planning Permit pursuant to the following provisions of the Macedon Ranges Planning Scheme:

Provision	Clause	Permit required for:
Rural Conservation Zone – Schedule 1 (RCZ1)	35.06-1 35.06-5	<ul style="list-style-type: none"> • Use of a Dwelling (Section 2 Use). • Building and Works associated with a Section 2 use. • 5 metres from any other boundary. • 100 metres from a dwelling not in the same ownership. • 100 metres from a waterway, wetlands or designated flood plain. • Earthworks which change the rate of flow or the discharge point of water across a property boundary.
Environmental Significance Overlay - Schedule 4 (ESO4)	42.01-2	<ul style="list-style-type: none"> • Construction of a dwelling not connected to reticulated sewerage.
Significant Overlay – Schedule 1	42.03-2	<ul style="list-style-type: none"> • Construction of a building or construct or carry out works.
Bushfire Management Overlay (BMO)	44.06-2	<ul style="list-style-type: none"> • Permit required for the buildings and works associated with accommodation use.

2.1 Aboriginal Heritage Act

The site is affected in its entirety by an area of Aboriginal Cultural Heritage Sensitivity, associated with Slaty Creek running through the property. The proposal is for the development of a single residential dwelling and as such a Cultural Heritage Management Plan is not required to accompany this application, as described in the Aboriginal Heritage Regulations 2007.

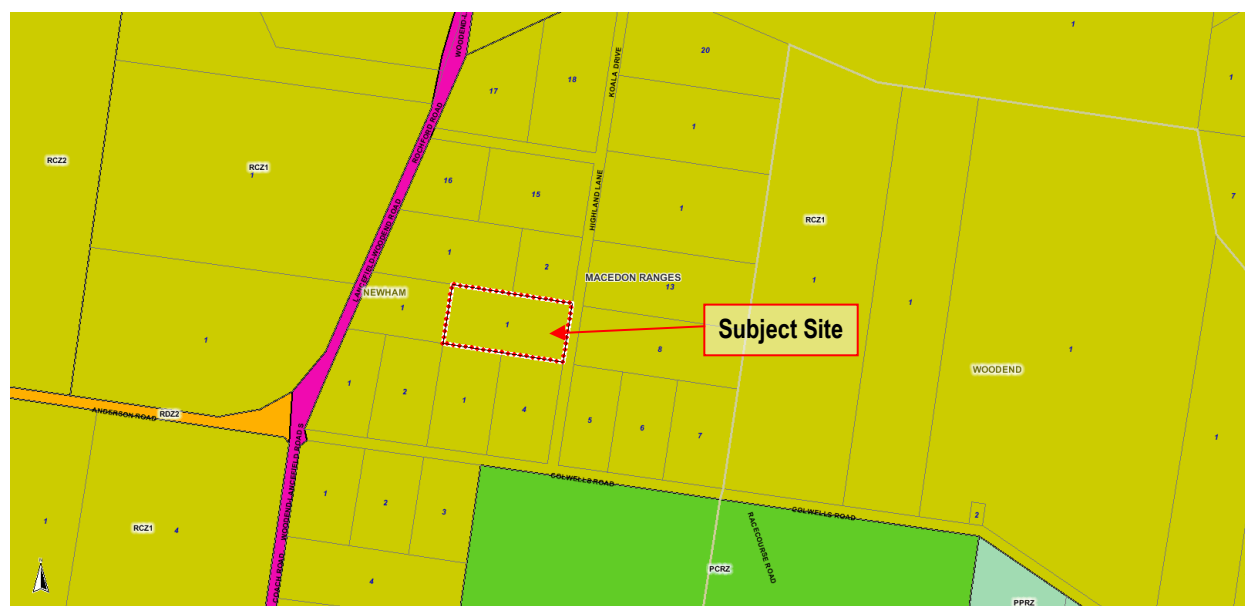


Figure 1 - Locality Plan and Zoning

3 THE SITE AND SURROUNDS

3.1 Site and Context Description

The subject site is identified as 1427 Rochford Road, Newham and formally identified as Lot 1 TP655719. The site is one of two parcels on title at 1427 Rochford Road and accessed from Highland Lane. The balance of the land (Lot 1 PS542433) contains an existing dwelling and accessed from Rochford Road. Refer to figure 2 for details.

The site is rectangular in shape and contains a total area of approx. 2.42 ha. A grassed drainage line runs from the south east corner of the property to a dam in the north-western corner of the site. Land generally follows the contour of the drainage line falling southeast to northwest but rises sharply to a plateau in the north eastern corner of the property. The property features a 109m frontage to Highland Lane from which informal access is currently available. The site has traditionally been used for the purposes of light grazing and contains large areas of grassland.

A large cleared area containing regularly mowed and grazed grassland is located in the southern portion of the site. Vegetation containing a managed understorey covers the north-eastern sloped portion of the property. Access is available from the adjoining allotment (in the same ownership) which features its primary access from Rochford Road. The site is vacant with no structures present. The property is fenced in typical rural post and wire style.

Dwellings on properties along Rochford and nearby Colwells Road generally feature generous setbacks from the road reserve (60-150m) and often secluded from view by extensive garden settings or vegetation coverage. Properties on Highland Lane are generally located towards the front of allotments with garden settings developed in a similar fashion to properties on Rochford Road. A rural-residential enclave has developed on Highland Lane due to the smaller size of allotments and the resultant concentration of dwellings that has formed over time. Dwellings are generally detached. A mix of single and double storey form, with roof styles range from hipped, cross hipped, skillion, flat or gabled in design.

Properties in the area range in size from 1.3ha - 5ha and are generally developed with a dwelling and outbuildings. Land beyond properties on Highland Lane continues to be used for the purposes of domestic grazing and small scale agriculture. Most properties in the immediate surrounds could be defined as rural living or "lifestyle" blocks, with many containing extensive to full vegetation coverage and established gardens. A particular concentration of vegetation coverage is observed on properties on Colwells Road. The configuration and size of allotments on Rochford Road and Highland Lane are generally reflective of lifestyle/rural living development as a result of the past subdivision of larger agricultural holdings.

Vegetation in properties in nearby Colwells Road are generally managed to a minimum fuel condition and often features an absence of understorey scrub within most property boundaries. Grassland in larger blocks developed with dwellings appears to be regularly mowed. Properties contain extensive and highly managed garden areas featuring a mix of exotic and native species. Defendable space of most dwellings in the area have been managed to a good standard with many featuring dams to supplement water supply for firefighting purposes. Development dates of properties in the area ranges from the 1980s through to present day. The subject site is the only remaining undeveloped allotment on Highland Lane.

Highland Lane is a rural gravel/dirt road with access to Rochford Road via Koala Drive from which access to the Newham settlement and Woodend is available. Rochford Road provides access to Romsey Road and other major arterial roads via the network of rural roads in the area.

Connection to power and telecommunications infrastructure is available. There is no reticulated sewer or water supply within the vicinity of the subject site .



Figure 2 – Site context

- Refer to Attachment 1 for Copy of Title
- Refer to Attachment 2 for Photos of the Site and Surrounds
- Refer to Attachment 3 for Site and Context Plan

4 THE PROPOSAL

The proposal is to construct a 3 bedroom dwelling on the property. The dwelling will be located on an existing cleared area extending from the southernmost boundary of the property. The dwelling has been sited to avoid the removal of vegetation.

To improve the drainage and containment of existing surface water flows on the site, the partial filling of a dam on the is also proposed. Proposed fill of the dam will involve the back fill of an overflow of an existing dam that has eroded over time forming an additional waterbody adjoining the main body of water. Filling of the overflow is proposed at the advice of the water authority following pre-application discussion to improve the management of surface flows on the property and achieve setbacks for dwellings and wastewater fields. Approximately 336m³ of fill will be required to fill the eroded area.

The proposal will also involve the revegetation of drainage lines and wetland area on the property to offset the impact of development and improve the environmental values of the site.

The overall layout of the proposed development is shown in the Design Response Plan in Attachment 4. More detailed design elements are contained within the following attachments:

- *Attachment 4 – Design Response Plan*
- *Attachment 5 – Dwelling Plans and Elevations*
- *Attachment 6 – Land Capability Assessment*
- *Attachment 7 – Bushfire Management Statement*
- *Attachment 9 – Environmental Management Plan.*

The dwelling has been designed to be responsive to the bushfire risk, the landscape, topography and the surrounding neighbourhood character.

Access is proposed from Highland Lane and associated road reserve via an extension to the existing road and new crossover. Crossover and driveway location have been selected to provide direct and convenient access to the dwelling, avoid vegetation removal and minimise soil cut-and-fill required for its construction.

The proposed dwelling will be connected to available reticulated services, including electricity and telecommunications. Reticulated water is not available to the site. Water tanks will be used to provide water supply for the dwelling, which will include a minimum 10,000 litres for firefighting purposes. Reticulated sewerage is not available to the site. Wastewater will be managed and retained on site in line with the attached Land Capability Assessment (refer to Attachment 6).

No Vegetation removal is required to allow for the siting of the proposed dwelling and associated defensible space requirements or for the creation of a Land Application Area for wastewater treatment. Vegetation removal has been avoided by siting the dwelling and primary wastewater disposal fields in existing cleared areas. The dwelling and associated defensible space have also been deliberately sited to avoid any vegetation removal in vegetated areas on the property.

To guide dwelling and wastewater field location, a comprehensive site survey was completed by Tomkinson Group. The survey was completed following recommendations from the land capability assessment stating the LASSI waterway locations shown on state mapping differ from that onsite.

5 PROVISIONS OF THE PLANNING SCHEME

5.1 Planning Policy Framework

The following Planning Policy Framework (PPF) clauses are considered relevant to this proposal:

- Clause 11 – Settlement (including Clause 11.07 – Regional Victoria; and Clause 11.14 – Loddon Mallee South)
- Clause 12 – Environmental and Landscape Values
- Clause 13 – Environmental Risks (in particular Clause 13.02-1S – Bushfire)
- Clause 14 – Natural Resource Management
- Clause 15 – Built Environment and Heritage
- Clause 16 – Housing

Local Planning Policy

The following Local Planning Policy clauses are considered relevant to the proposal:

Clause 21 – Municipal Strategic Statement (MSS)

- Clause 21.02 – Key Issues and Influences (including Statement of Planning Policy No. 8)
- Clause 21.03 – Vision – Strategic Framework (including rural framework plan – Cobaw Biolink and Southern Catchment areas)
- Clause 21.04 – Settlement
- Clause 21.05 – Environmental and Landscape Values
- Clause 21.06 – Environmental Risks
- Clause 21.07 – Natural Resource Management
- Clause 21.09 – Housing

Clause 22 – Local Planning Policies

- Clause 22.01 – Macedon Ranges and Surrounds

Planning Policy Framework Response:

The proposed dwelling supports the State's objectives of sustainable growth, protecting natural resources, ecological systems, landscape and cultural values, and practicing environmental risk management. This proposal is deemed appropriate as it is within an existing area already developed for rural residential use. The proposal responds to the demand for small-scale, incremental growth within the Macedon Ranges, in a manner that is most appropriate considering the site and its surrounds. The siting and design of the dwelling minimises impacts on the natural environment, utilising existing cleared areas as much as possible to minimise cut and fill and avoid vegetation removal. The dwelling is sited to minimise the risk from bushfire and will result in a reduced bushfire risk to surrounding dwellings.

The proposed dwelling has been designed in response to the surrounding landscape and topography, placement on a lower point in the landscape allows the development to recede from the road frontage, minimising its visual impact on the landscape. The proposal provides for an additional house within an existing settled area, in close proximity to the Newham settlement and the township of Woodend. The proposed dwelling is consistent with the surrounding style of development and will add to the amenity of the area.

The proposed development has been designed to manage existing risks, both to the property (e.g. bushfire) and the catchment (e.g. on-site wastewater management). There is no increase in risk of soil erosion or landslip, as the dwelling is proposed in an existing cleared and level area. Minimal cut and fill will be required for construction of access to the property. Using the cleared central area also reduces any works that may be required to the driveway to allow for access for emergency service vehicles.

There will be an overall improvement in the environmental condition and management of the site with the presence of a dwelling. The presence of a full-time manager onsite will ensure the control of problem weeds and animals, thereby resulting in net gains to land care in the area.

The property is within an area which has access to good services and infrastructure. Where services are not available, appropriate on-site alternatives are provided, specifically around water supply and wastewater treatment. The proposal ensures all wastewater from the dwelling will be retained, treated and dispersed on site with a wastewater disposal system which will meet the requirements of the Responsible Authority.

The placement of a dwelling on this property is appropriate given its location within a rural residential style subdivision, with this allotment being the last allotment in the subdivision to be developed for a dwelling. It responds to the State Policy requirement to provide diversity in housing choice, without applying pressure for new subdivisions in greenfield areas with high environmental values.

Though this property is located in an area of bushfire risk, there are multiple options for evacuation depending on the direction from which a fire front is approaching. The Bushfire Management Statement and Plan provided show how bushfire risk has been considered for the proposed development, and how this risk will be managed.

The dwelling has been placed in the most suitable location on the property to allow for safe access and egress, and for ease of access for emergency service vehicles. Allowing this development to occur, which will include establishing and maintaining defensible space on the allotment, will reduce bushfire risk within the immediate vicinity of surrounding dwellings (150m site assessment focus), thereby reducing bushfire risk to human life in the surrounding local area.

The attached Bushfire Management Statement and Plan respond to the requirements of Clause 53.02 as well as considering the bushfire hazard identification and assessment requirements of Clause 13.02-1 (with appropriately scaled landscape, local, neighbourhood and site hazard assessments).

LOCAL PLANNING POLICY FRAMEWORK RESPONSE

The subject site is located within the Cobaw Biolink and Northern Catchment rural area types, which form the rural framework plan within the Macedon Ranges Planning Scheme. The vision and strategic direction for these two areas are as follows:

Cobaw Biolink	Northern and southern catchments:
<i>Establish a biolink between the areas of significant vegetation of the Macedon and Cobaw Ranges. Housing that provides revegetation and environmental improvement works will be permitted in these areas to achieve this environmental goal.</i>	<i>Protect water quality and quantity, agricultural productivity in the northern catchment and encourage rural residential only in the more fragmented southern catchment where detailed land capability studies demonstrate there is no negative impact on water quality or agricultural uses.</i>

Development of this lot is within the extended rural-living footprint of the Newham village and within an established rural-living enclave. Highland Lane is an existing area subdivided for rural residential purposes, with good connections to infrastructure and services. The subject site is the only remaining allotment without a dwelling, and access to a good quality rural road servicing a multitude of properties is available. The proposed dwelling is located in an identified development of housing that provides for revegetation and environmental improvement works.

The proposed development will not impact on water quality or quantity having established strategies for the management of wastewater onsite through preparation of a Land Capability Assessment (Attachment 6). The subject site is an appropriate allotment to allow for a dwelling within these parameters. Pre-application advice has been sought from Goulbourn Murray Water (Reference No: PPP-19-00034) and North Central Catchment Management Authority to determine the suitability of the proposal in terms of achieving appropriate setbacks from waterways and potential impacts on floodwater flows. Dwelling and wastewater field locations have been confirmed following advice from the water authority who have reviewed the Land Capability Assessment and provided no objection to the proposal.

The proposed dwelling on this lot has been sited to avoid vegetation removal, utilising an existing cleared and levelled area to accommodate the development.

Management of environmental values, and threats to these values (including pest plants and animals), will be improved through ongoing land management practises. Furthermore, bushfire risk to this site and surrounding dwellings and their residents will be reduced through permitting this development.

All vegetation onsite is to be retained and maintained for its continued contribution to the Cobaw Biolink area. Additional vegetation is proposed for the wetland area and as a riparian buffer along the waterway flowing through the site, thereby reducing impacts associated with the proposed development and providing net benefit to the environmental values and biodiversity. The property will be managed to improve the environmental values of the site (in line with the Environmental Management Plan - Attachment 8), thus contributing to the strategic goals for the area.

The dwelling has been designed to be responsive to the rural landscape, responding to the existing topography of the property and avoiding significant earthworks. The proposed dwelling is located in a low point within the landscape and proposed building materials and finishes have been chosen to blend with the landscape, reducing visual impact (refer to Attachment 5). The dwelling has been placed close to the road to minimise disturbance of the block and to provide maximum benefit to reducing bushfire risk to surrounding dwellings (i.e. providing defensible space that will benefit the neighbouring dwellings as well).

Statement in response to Clause 21.02 (Key Issues and Influences) and Clauses 22.01 (Macedon Ranges and Surrounds) | Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds

Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds has been an integral part of planning policy in the Macedon Ranges since 1975, which mainly focusses on the regional/municipal level strategic planning required to achieve the policy. Local planning policies have been developed which respond to that policy.

The following points are provided in response to elements of these policies that are most relevant to this application:

- The proposed development protects the water quality of the catchment through responsible and sustainable design.
- Wastewater generated on site can be sustainably managed on site, in accordance with the attached Land Capability Assessment (refer to Attachment 6).
- This site is within an established area which was previously subdivided for residential development. All allotments in the immediate vicinity of the subject site are already developed with dwellings. Allowing development of this site is a logical progression for the area. Development on the subject site will not result in additional pressure for residential development and fragmentation on other rural blocks in the municipality – it is a logical completion of an existing development pattern in an area already well serviced by existing infrastructure and services.
- The proposed development is responsive to the existing site constraints and values, working with the existing topography and disturbance on the site, and minimising additional impacts.
- Overall environmental and landscape values of the site will be improved as a result of implementation of the whole proposal. This includes improvement of management of threats to environmental and landscape, in particular pest plants and animals and soil degradation.
- The dwelling provides for an additional rural-style dwelling choice within the municipality without allowing for further development proposals in the area, responding to the ongoing demand for rural residential development in a managed and sustainable way.
- Bushfire risk to the development can be managed in line with the requirements of bushfire policy, reducing risk to human life and property to an acceptable level (refer to Attachment 7).
- In addition, allowing development of a dwelling and its associated defendable space on this property will assist in reducing bushfire risk to surrounding dwellings (which incidentally assists Council to deliver on their responsibility to prioritise the protection of human life over all other policy considerations, as per Clause 13.02-1 and Clause 71.02-3).
- The dwelling design, materials and finishes is designed to minimise impact on the landscape and amenity.

5.2 ZONE

Clause 35.06 – Rural Conservation Zone

The site is included within the Rural Conservation Zone (RCZ) – Schedule 1 (RCZ1) under the Macedon Ranges Planning Scheme.

The Rural Conservation Zone includes the following stated purposes:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve the values specified in a schedule to this zone, being:*
 - *To ensure that the existing forest mosaic is protected and that any development does not compromise native vegetation, but provides for its enhancement.*
 - *To ensure that land use within water supply catchments, most particularly proclaimed catchments, will not compromise water quality.*
 - *To protect the unique flora, fauna and landscapes that are fundamental to the character and biodiversity of the area from inappropriate land use and development.*
 - *To protect the conservation and landscape values of adjoining public land.*
 - *To ensure that the character and landscape values of the area are protected.*
 - *To achieve sustainable agricultural practice.*
- *To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.*
- *To protect and enhance natural resources and the biodiversity of the area.*
- *To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.*
- *To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.*
- *To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.*

USE OF LAND FOR A DWELLING

Pursuant to Clause 35.06-1, a planning permit is required for the use of land for a dwelling (which is noted as a Section 2 use). The use of land for a dwelling must meet the requirements of Clause 35.06-2.

EARTHWORKS

A permit is required for construction of earthworks which change the rate of flow or the discharge point of water across All land a property boundary.

Clause 35.06-2 – Use of Land for a Dwelling

The proposal aligns with the requirements of this Clause in that:

Requirement of Clause 35.06-2	Demonstration of compliance with Clause
Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.	Highland Lane is an all-weather rural road wide enough to accommodate two-way traffic, and thus adequate to accommodate emergency vehicles.
The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the <i>Environment Protection Act 1970</i> .	The dwelling will be provided with a compliant waste water management system, in line with the Land Capability Assessment (Attachment 6).
The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.	The dwelling will be supplied with potable water from on-site tanks. The tanks will be sized to accommodate both domestic and firefighting purposes, within a minimum 10,000L set aside for firefighting purposes (and prioritised in the tank according to the bushfire regulations and the attached Bushfire Management Statement – Attachment 7).
The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.	The dwelling can be connected to the electricity infrastructure in the area, or accommodate a suitable alternative energy source.

Clause 35.06-5 – Buildings and works

Pursuant to Clause 35.06-2, a planning permit is required to construct a building associated with a Section 2 use. A planning permit is also required for a building within 100m of a dwelling not in the same ownership.

The dwelling will be setback approximately 88m from the Highland Lane boundary, which is the most suitable location considering the existing cleared and levelled area. Dwellings on adjacent properties are located at a distance of between 60m and 150m from the proposed building envelope. The proposed dwelling and setback is consistent with the character of adjoining lots on Colwells Road, it should also be noted that due to the location of the property in a low point in the landscape it will not be highly visible from both Highland Lane or Colwells Road

The dwelling location is highly constrained due to setback requirements from the dam, wetland and waterway flowing through the property. The location has been chosen to avoid the removal of vegetation to achieve defendable space and achieve required setbacks from waterways. Significant pre-application discussions with CFA, Goulburn Murray Water and the North Central Catchment Management Authority have been undertaken to develop the best siting location within the subject site.

Dwellings situated within 100m of neighbouring dwellings is a common occurrence in the area due to lot size and configuration (See below).

Revegetation efforts as part of the Environmental Management Plan prepared for the dwelling will assist in screening the development from adjoining properties. Refer to Attachment 8 for details.



Figure 3 - 100m buffer from building envelope to neighbouring dwellings

Addressing the Decision Guidelines*General issues*

- The proposal has been considered against the relevant State and Local Planning Policy Framework as discussed above in this report.
- All waste water from the proposed dwelling would be sustainably retained, treated and dispersed on site with a wastewater disposal system meeting the requirements of the Septic Tank Code of Practice and the requirements of the Responsible Authority (refer to Attachment 6 – Land Capability Assessment).
- The use and development conserves the values identified in the Schedule to the Zone by protecting water quality and improving the overall environmental management of the property as a whole. The forest mosaic will be enhanced through the control of problem weeds and pest animals, resulting in net environmental benefit to the property. Refilling of the dam overflow effectively repair erosion damage on the property and improves the overland flow of surface waters through the site.
- The environmental and landscape quality of the site will be retained and enhanced (as per the previous point). Additionally, the dwelling has adopted a modest, site-responsive design that has incorporated muted tones and non-reflective finishes (see materials schedule on sheet 7 of the Dwelling Plans at Attachment 5).
- The site is compatible with the residential land uses observed in the local area and will improve the amenity of Highland Lane by improving an otherwise abandoned and predominantly unmanaged site.

Rural issues

- No rural enterprise is proposed as part of this dwelling development. The site contains extensive vegetation coverage, rocky outcrops and wetland area. Sustaining a rural enterprise on the property beyond domestic agriculture would be unlikely (noting large-scale vegetation removal would not be permitted on the site).
- The proposed development will utilise existing service and utility infrastructure in the area and has ready access to the road network. There is adequate capacity in these infrastructure networks to accommodate this development.
- The proposed development will have no impact on the surrounding land uses (all being rural residential style uses), and will in fact provide a benefit to surrounding private property through reducing overall bushfire risk to neighbouring dwellings and improving management of environmental threats across the landscape (in particular pest plants and animals).

Environmental issues

- The proposal will have a net benefit on the environmental values and biodiversity of the site and the area, with the net benefit resulting from implementation of ongoing land management practices associated with rural living.
- Ongoing management practices on the property though the strategies outlined in the environmental management plan (Attachment 8) will result in the protection and enhancement of the natural environmental values of the area while achieving sustainable integrated land management outcomes.
- The proposed wastewater disposal fields are sited to minimise impact on the site and further catchment. They have been sited to avoid impacts on vegetation, utilizing existing cleared areas (refer to Attachment 6 – Land Capability Assessment).
- Backfilling of an eroded section of an existing dam on the property will improve the overland flow of surface runoff through the property. Filling of the overflow is proposed at the advice of the water authority following pre-application discussion to improve the management of surface flows on the property and achieve setbacks for dwellings and wastewater fields.
- Proposed revegetation of drainage lines and wetland area will improve the maintenance of ground water quality in the area, ensuring the proposal provides net benefit to the environmental values of the area.

Dwelling Issues

- The dwelling will not lead to the loss or fragmentation of productive agricultural land. The site does not contribute to agricultural land, nor is it the vicinity of any agricultural ventures.
- The dwelling will have no impact on current or future agricultural activities or uses in the Shire. The immediate surrounding area is fully developed for residential use. The nearby agricultural land is under single ownership and one additional dwelling will have no impact on their ability to undertake their current equine enterprise (or any future alternative enterprise).

Design and Siting Issues

- The proposed dwelling has been sited and designed to be responsive to the existing topography and cleared areas on the site, as well as to surrounding neighbourhood and landscape character.
 - The siting of the dwelling has been determined through extensive consultation with various referral authorities including CFA, Goulburn Murray Water and the North Central Catchment Management Authority.
 - The dwelling has been located and designed to have minimal impact on the neighbourhood and landscape.
 - The dwelling is located to take best advantage of existing infrastructure and services. Provision of these services into the property will have no visual impact.
 - The dwelling will be sited on an existing cleared and disturbed area of land. Reticulated power and telecommunication infrastructure are readily available. The effluent disposal system and water tanks will be sited and coloured to blend in with the landscape colours and form, and sufficiently setback to be invisible from the road.
 - Backfilling of an eroded dam overflow on the site allows for the more suitable siting of the dwelling away from boundaries and neighbouring dwellings will still achieving required setbacks from the waterway and wetland. Thereby reducing the impact of the dwelling on the visual amenity of the area and allowing it to recede into the landscape.
 - The design and siting of the dwelling will ensure the scenic quality of the site is retained to the maximum extent possible. The driveway will access the existing crossover for the site. Construction of a crossover and driveway will occur to the satisfaction of the Responsible Authority.
 - The siting of the dwelling is considered the most appropriate location on the balance of ecological, bushfire and landscape considerations, as well as the surrounding neighbourhood design and bushfire risk.
- *Refer to Attachment 4 for the Design Response Plan*
 - *Refer to Attachment 5 for the Dwelling Plans and Elevations*
 - *Refer to Attachment 6 for the Land Capability Assessment*
 - *Refer to Attachment 7 for the Bushfire Management Statement and Plan*
 - *Refer to Attachment 8 for the Environmental Management Plan*

5.3 OVERLAYS

Clause 42.01 - Environmental Significance Overlay – Schedule 4 (ESO4)

The purpose of the Environmental Significance Overlay includes to identify where the development of land may be affected by environmental constraints and to ensure development is compatible with the identified environmental values. Schedule 4 pertains to the Eppalock proclaimed catchment located within the municipality. The environmental objectives of this schedule focus on protecting water quality and yield within the catchment and ensuring that land use and development protects these assets.

Pursuant to Clause 42.01-2, a planning permit is required for the construction of a dwelling that is not connected to reticulated sewerage, and for the removal, destruction or lopping of any vegetation.

This proposal has been guided by the advice provided from Goulbourn Murray Water officers who have reviewed the proposal and Land Capability Assessment and conducted a site visit in a pre-application review (reference No. PPP-19-00034). Officers provided advice on revegetation, setbacks and wastewater field design which are reflected in the Land Capability assessment provided with the proposal. Officers provided a level of support for the proposal and were satisfied the development could proceed with no impacts on water quality.

No vegetation removal is required to accommodate development of the dwelling or its defensible space.

Addressing the Decision Guidelines of the Clause and Schedule

- The proposal will have no impact on the water catchment.
 - The attached Land Capability Assessment (Attachment 6) illustrates how wastewater will be sustainably managed and retained on site. The placement and design of wastewater fields has been developed through consultation with the determining authority to ensure no impact on groundwater or surface flows.
 - Wastewater fields achieve a minimum 40m setback from drainage lines and dams and 50m from a wetland area on the property.
 - Wastewater fields are located in already disturbed areas as much as possible to avoid disturbing further soil and to avoid unnecessary vegetation removal.
 - Vegetation removal has been avoided through placement of the development in a previously disturbed and cleared area of the site.
-
- *Refer to Attachment 4 for the Design Response Plan*
 - *Refer to Attachment 6 for the Land Capability Assessment*
 - *Refer to Attachment 7 for the Bushfire Management Statement and Plans*
 - *Refer to Attachment 8 for Environmental Management Plan*

Clause 42.02 – Vegetation Protection Overlay – Schedule 9 (VPO9)

The purpose of this clause is to protect and enhance areas of significant vegetation, ensuring that development minimises vegetation loss, and maintains habitat and habitat corridors for indigenous fauna. The subject site is covered by Schedule 9 to this overlay - Living Forest. The vegetation protection objective of this schedule reads “*to protect and enhance all remnant native vegetation for its role in biodiversity, natural resource management, and landscape and character.*”

Pursuant to Clause 42.02-2, a planning permit is required to remove, destroy or lop any vegetation specified in the schedule to the Overlay.

No vegetation removal is required to accommodate construction of the dwelling and its defensible space.

Clause 42.03 – Significant Landscape Overlay – Schedule 1 (SLO1)

The Macedon Ranges form a significant natural landmark feature of Victoria. They provide for recreation, tourism, forestry, and water catchments. They also contain a large collection of gardens which represents an important cultural asset at a national level and must be protected. The ranges also represent a prime conservation and recreational tourism resource for the Melbourne region. The key elements of these landscape features are Mount Macedon, the Cobaw Range, Mount Bullengarook and Hanging Rock

The subject site is affected in its entirety by the Significant Landscape Overlay – Schedule 1. The clause identifies significant landscapes within the Macedon Ranges and provides a framework to conserve and enhance them. Schedule 1 pertains to the Mountain ranges and features of the Macedon Range Shire Council.

Given the Hanging Rock reserve is within close proximity of the subject site, this policy is of particular relevance to the proposal.

1. Design Response Statement

The dwelling has been sited and design to be visually recessive within the landscape and minimise visual impacts on the landscape. The dwelling is sited in a low point in the landscape ensuring that sightlines to Hanging Rock on approach from the surrounding area are unaffected. The dwelling will not be visible from the summit of Hanging Rock.

Noting the significant landscape constraints presented by waterways and a dam on the property, a site specific dwelling design has been prepared to achieve setback requirements and complement the site and its natural features.

Careful consideration was given to the siting of the dwelling to achieve maximum solar access and energy efficiency while minimising its impact on the surrounding landscape and adjoining dwellings. Tones and materials of external elevations are sympathetic to the surrounding landscape and careful placement of the dwelling allows it to recede into the landscape. Plant species that are indigenous to the area will be used in landscaping and revegetation of the site, further assisting the development to blend with the landscape.

2. Other Application Requirements

Dwelling Plans identifying the existing and proposed buildings and points of vehicle access to the site are provided with this report. Plan indicate the size, bulk and colour of any proposed buildings. Refer to attachment 5.

General details of revegetation areas and recommendations for plant species are provided in the Environmental management plan prepared to accompany this submission. Refer to attachment 8.

Clause 44.06 - Bushfire Management Overlay (BMO)

The subject site is found within the Bushfire Management Overlay (BMO). Pursuant to Clause 44.06-2, a Planning Permit is required to undertake buildings or works associated with constructing a dwelling on the subject land.

A Bushfire Management Statement and Plan have been prepared in support of the proposed amended residential development of the subject land (refer to Attachment 7). Attachment 7 responds to the requirements of Clause 44.06 and Clause 53.02, providing a Bushfire Hazard Site Assessment, Bushfire Hazard Landscape Assessment, Bushfire Management Statement and Bushfire Management Plan.

The Bushfire Management Statement and associated Plan have been prepared with the guidance of CFA who reviewed the proposed use of a higher BAL rating and reduced defensible space. Officers provided a level of support for the proposal in pre-application discussion.

5.4 PARTICULAR PROVISIONS**Clause 53.02 – Planning for Bushfire**

In line with the requirements of Clause 44.06 (Bushfire Management Overlay) and Clause 53.02, a Bushfire Management Statement and Plan have been prepared (and attached) to address this Clause. A Pathway 2 assessment applies to this site, as it is within the Rural Conservation Zone, and is for development only.

The Bushfire Management Statement and Plan have identified that defensible space can be mostly accommodated within property boundaries, with a small portion extending into the neighbouring allotment. Noting the highly managed nature of the adjoining property, there is reasonable assurance that any vegetation in this area will continue to be managed in accordance with vegetation management requirements. A BAL29 has been assigned to the proposed dwelling, with defensible space provided in response to the surrounding bushfire hazards. This is further explained in the attached Bushfire Management Statement.

➤ *Refer to Attachment 7 for the Bushfire Management Statement*

5.5 GENERAL PROVISIONS

Clause 65 – Decision Guidelines

The following statements are provided to assist Council with assessment of the Decision Guidelines of the Planning Scheme.

- The proposal aligns with the SPPF and LPPF (including MSS and local policies).
- The proposal aligns with the purpose of the zone and overlays, in that it allows for the logical completion of an existing development pattern in an area already well serviced by existing infrastructure and services, without resulting in additional pressure for residential development and fragmentation on other rural blocks in the municipality – in other words, it reflects orderly planning for the area.
- The development will improve the amenity of the Highland Lane neighbourhood, completing the development of this rural residential enclave, and vastly improving the management of the site.
- The proposed development is sited in the most responsible location considering the environmental values of the site and surrounding public land, as well as the natural hazards which affect the site, in particular bushfire. The siting and design of the dwelling is responsive to the landscape and neighbourhood character.
- The proposal will result in an overall improvement in environmental condition of the site, and improved management of threats to the environmental values of the site and surrounds, in particular pest plants and animals and land degradation, through implementation of the Environmental Management Plan.
- The small scale impact on native vegetation on the property will result in an overall environmental benefit to the property associated with the ongoing management of the property through the Environmental Management Plan. The siting of the dwelling has been chosen to minimise impact on the native vegetation on the property.
- The proposed development will result in a reduced risk to human life from bushfire to neighbouring properties, through the establishment of defensible space associated with the proposed development which will directly benefit neighbouring properties (improves management of defensible space within 50m of dwellings subject to 10:50 rule).

6 CONCLUSION

The proposed development of a dwelling at 1427 Rochford Road, Newham (Lot 1 LP755719) is consistent with the relevant objectives and policies as stated in the State and Local Policies of the Macedon Ranges Planning Scheme.

The subject site can be developed and serviced with minimal impact on existing infrastructure and natural values of the site. Development of the dwelling will result in an overall environmental benefit to the site and surrounds through better management of values and threats on the property. The proposal has been sited through extensive consultation with relevant referral authorities.

The proposed development will assist with the protection of human life in the Highland Lane area through providing for the improved management of bushfire risk on the property, and thus reducing bushfire risk to neighboring dwellings within an already developed rural residential enclave. The proposed development is responsive to and complementary with the surrounding environment and neighborhood. The development of a dwelling on the site is considered to maintain the desired neighborhood and landscape character of the area.

The proposal is commended to Council and, on behalf of our client, we look forward to a positive outcome from the application.