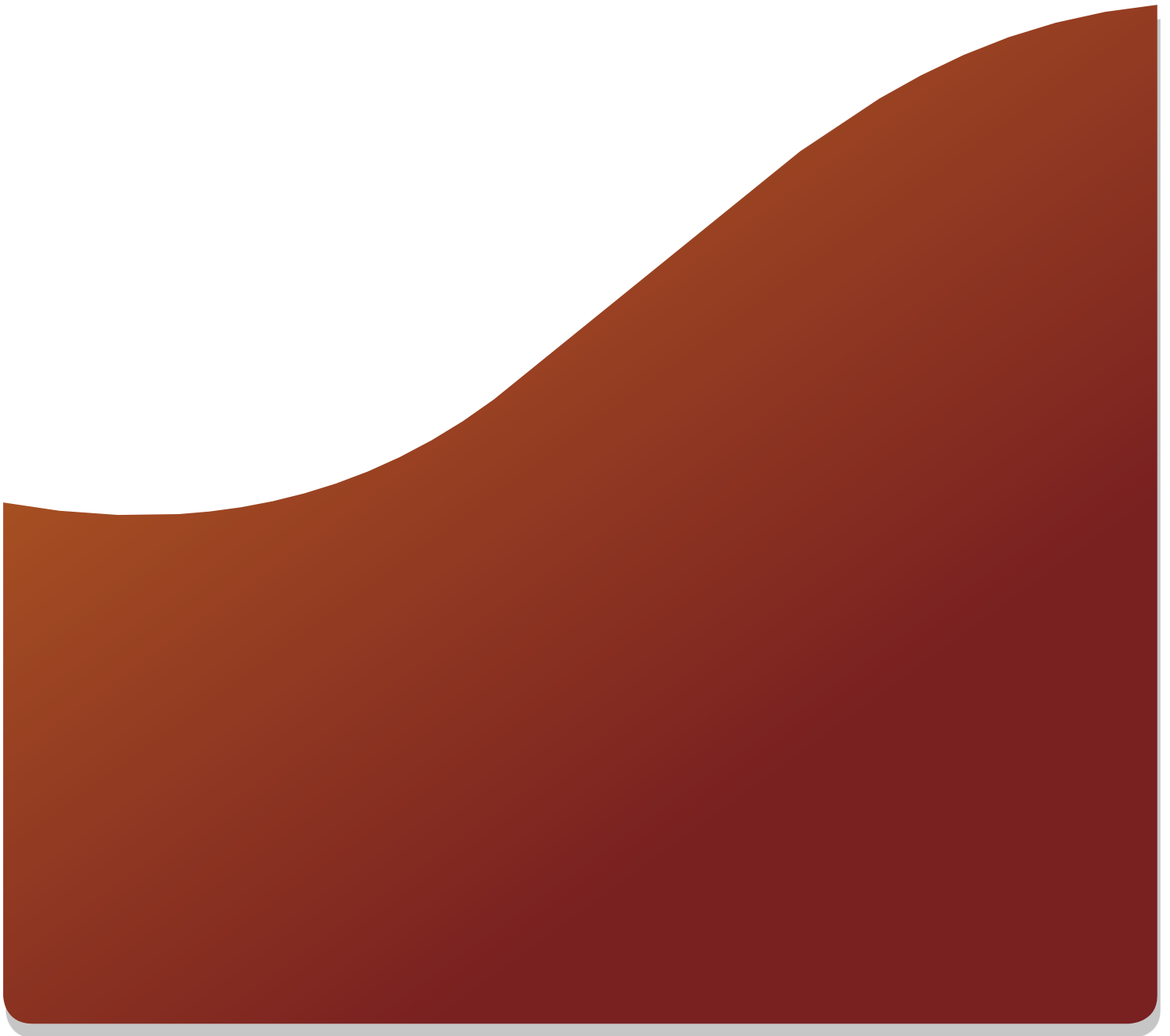


# **Planning Delegated Committee Meeting Agenda**

**Planning Delegated Committee Meeting  
Thursday 9 November 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 online and livestreamed at [mrcs.vic.gov.au](https://mrcs.vic.gov.au) on:  
Thursday 9 November 2023 at 7pm

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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, present and emerging.

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 Wednesday 11 October 2023, as circulated.**

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## 8 HEARING OF SUBMITTERS

<b>8.1</b>	<b>HEARING OF SUBMITTERS - PLN/2022/314 - SUBDIVISION OF LAND INTO THREE (3) LOTS AND REMOVAL OF VEGETATION (TWO (2) NATIVE TREES) - 35 CHERRY LANE GISBORNE</b>
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<b>Officer:</b>	<b>Nicole Wadden, Senior Statutory Planning Officer</b>
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<b>Attachments:</b>	<b>Submissions <a href="#">↓</a></b>
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### Summary

To hear from submitters in relation to Planning Application PLN/2022/314, regarding the subdivision of the land into three (3) lots and removal of vegetation (Two (2) Native Trees).

### Recommendation

#### That the Committee:

- 1. Notes the submissions received in relation to Planning Permit PLN/2022/314, Subdivision of land into three (3) lots and removal of vegetation (Two (2) Native Trees).**
- 2. Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the Planning Delegated Committee Meeting on 6 December 2023.**

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### Background

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 shape, 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.

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 Wat 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.

**Summary of 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 120m. 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.

**Planning permit trigger/s**

32.08-3 – A permit is required to subdivide land.

52.17 – A permit is required to remove native vegetation.

**Summary of submissions**

A total of five (5) objections were received to this application. They are summarised as follows:

Objection/concern regarding application
• 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 declaration of conflicts of interest**

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

Submission 1

D22-92879

**Maria Nunez**

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**From:** [Redacted]  
**Sent:** [Redacted]  
**To:** [Redacted]  
**Subject:** [Redacted]

**Categories:** Planning

## For the attention of the General Manager / Planning Manager / Planning Department

Application PLN/2022/314  
Address 35 Cherry Lane Gisborne VIC 3437  
Description Subdivision of the Land into Three (3) Lots and Removal of Easment E-1  
Name of commenter [Redacted]  
Address of commenter [Redacted]  
Email of commenter [Redacted]

### Comment

Carving up this block into 3 lots will certainly detract from the semi-rural character of this street and area of Gisborne. The properties in immediate proximity will also lose value as a result. This is an inappropriate development in Cherry Lane and should not be allowed. There is also talk of removing of an amazing gum tree which we believe to be naturally occurring and not 'planted' as might be suggested. This tree should not be removed to allow for the development. It is such a large tree it is synonymous with the view from Gisborne up the escarpment towards Mt Macedon and home to a myriad of wildlife.



Submission 2

D22-92880

**Maria Nunez**

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**From:** [Redacted]  
**Sent:** [Redacted]  
**To:** Macedon Ranges Shire Council  
**Subject:** Comment on application PLN/2022/314  
**Categories:** Planning

## For the attention of the General Manager / Planning Manager / Planning Department

Application PLN/2022/314  
Address 35 Cherry Lane Gisborne VIC 3437  
Description Subdivision of the Land into Three (3) Lots and Removal of Easment E-1  
Name of commenter [Redacted]  
Address of commenter [Redacted]  
Email of commenter [Redacted]

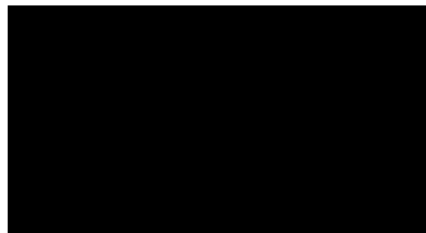
### Comment

I don't know this particular block but continued planning permits that allow the removal of significant native vegetation in our town seems to be ongoing & is hugely disheartening. Gisborne is quickly & detrimentally being urbanised & the MRSC is sadly compromising the well being of residents in a town that really does not have the infrastructure in place to support congested housing developments. The removal of any old growth tree is disrespectful & a complete contradiction (as the science reveals) to the protection of healthy environments. We have already lost too many large eucalyptus trees in Gisborne & this practice needs to stop.  
Increased litter, congestion & cement will not secure the long term sustainability of our precious ecosystems & wildlife. At some point residential developers might learn to work in harmony with the environment they have rather than being motivated by profit to do damage. Please save the tree.



Submission 3

P23-22960 &amp; P23-23349



16 May 2023

Nicole Wadden,  
Senior Statutory Planning Officer  
Macedon Ranges Shire Council  
PO Box 151  
Kyneton Vic. 3444

Dear Nicole,

**Reference: Planning Permit Application: PLN/2022/314 35 Cherry Lane Gisborne**

The purpose of this communication is to request that this proposed 3 lot subdivision not be approved in its current form.

**Background**

The area bound by Station Road, Cherry Lane, Ross-Watt Road, Swinburne Avenue and Skyline Drive, comprises around 174 lots with original properties being around 2000 sqm to 8000 sqm in size. Recent subdivision activity has seen lot sizes as small as around 1000 sqm but they have all been stand-alone lots and buildings.

This subdivision activity has resulted in the significant reduction of trees in the area with the subsequent (unverified) negative impact on street temperatures and fauna habitat. All of this at a time when the MRSC has declared a "Climate Emergency".

Up until now, the properties on the south side of Cherry Lane and Skyline Drive have all been larger properties where substantive tree and garden plantings are prevalent with this enabling the "rural vistas in the views north to Mount Macedon", which respondents to the Gisborne Futures surveys have told Council is a priority.

The traffic congestion issues around the Cherry Lane/Station Road intersection are already well recognised and a source of constant risk and discussion amongst not only residents in the impacted area but also anyone who uses Station Road.

As all users of Cherry Lane now experience on a daily basis, whenever a subdivision or dwelling construction takes place on Cherry Lane, the only places for the trucks and trades vehicles to park is on Cherry Lane.

1



As can be seen with the current development/construction of this Cherry Lane site, Cherry Lane is reduced to one lane with the surrounding wet road verges and drainage significantly impacted. The congestion and associated issues, risks and tension between road users and truck/trade vehicle drivers around this site is reasonably predictable.

Add to this the assumption that the two properties on the corner of the Cherry Lane/Station Road intersection and the developments at 33 and 35 Cherry Lane will be developed in a similar timeline, then it can be expected that this section of Cherry Lane will be a challenging area to transition through for some time.

**The reasons for my objection:**

**Lack of consideration of the broader and more significant strategic impacts of this and other related proposals.**

Whilst I understand your view that you must assess each application “on its own merits” and on the simple basis of “does it comply with the State’s Planning regulations?”, I strongly object to the lack of consideration of the broader strategic implications of this and related applications.

If the combined applications for a four-Unit development at 33 Cherry Lane (the first Unit development in this relatively old part of Gisborne) and this three-lot subdivision are approved, this will significantly change not only the character of this area but it will also totally contradict the Gisborne Futures feedback that residents wanted to see rural vistas when looking north to Mount Macedon.

The properties to the south of Cherry Lane and Skyline Drive provide a critical backdrop to the Gisborne township and in my opinion warrant special strategic consideration. I have been told by multiple Real Estate Agents that when we sell our property it will be bulldozed and cut up for smaller housing lots. Is this really what the Council wants for this critical part of Gisborne’s character?

Such a change and contradiction to what Gisborne residents have told the MRSC that they want warrants a strategic review at least.

**Negative impact on the environment and visual amenity of Cherry Lane and the broader Gisborne township.**

I object to the fact that at a time when the MRSC has declared a “climate emergency” they would be supportive of a proposal that results in around 30 trees/shrubs, including the magnificent eucalypt on the back half of this block, being destroyed.

The small lot sizes, in particular the back two, means that with no building envelope in place and the modern propensity to build large homes, there will not be space to plant any substantive trees that would provide the shade/wildlife habitat that I believe should be mandatory in this new climate-change era.

Again, when you combine this with the destruction of another 30 trees/shrubs on the four-unit development next door at 33 Cherry Lane, I fail to reconcile this action with MRSC’s Gisborne Futures and Climate Emergency positions.

**Direct impact on our privacy and amenity**

I object to the lack of consideration in this proposal for the privacy and visual and environment amenity that I and my family have worked hard at building over 23 years.

The design of our garden and house is all based on having neighbours that not only place similar value on such large-lot attributes but also have the space to achieve this.

I see nothing in the Application that will:

- Limit shadowing over my property – with potential adverse impacts to my garden and house;
- Protect our privacy - including limiting neighbours’ ability to look directly into our internal and external living spaces;
- Protect our visual amenity when looking towards Cherry Lane or out over the Gisborne township;
- Protect the large eucalypt trees in the east corner of my property from the likely pressure that will come when someone tries to build on a tiny block and works out that these trees might pose a risk to them and their property; and
- Resolve the current issue where water runs off the rear western side of 35 Cherry Lane down and across the back of my property.

**Lack of consultation with all impacted residents**

This proposal, particularly when combined with the 33 Cherry Lane development, impacts all 174 property owners in the area to some degree and hence they should be formally advised of this sort of potential change to the neighbourhood in which they live, bought into and have shaped.

Whether it be from having to drive/walk/ride past these properties each day (as there are only two ways in/out of this area) or having to endure yet more vehicles queuing up at the Cherry Lane/Station Road intersection, it is my opinion that they should be given the opportunity to have a say.

**Impact on traffic congestion**

MRSC continue to approve developments that add daily vehicle movements to the Cherry Lane/Station Road intersection – arguably the most dangerous intersection in the Macedon Ranges. In my opinion any development that places incremental pressure on this dangerous intersection should not be approved until a solution that reduces the risks associated with this intersection is found and implemented.



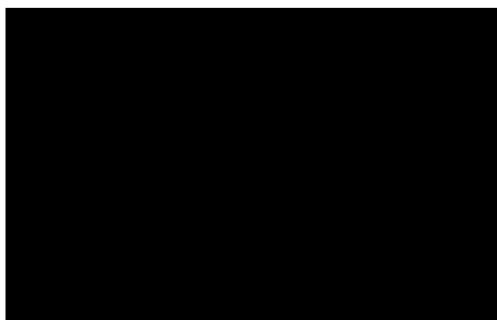
**What I would like to see happen:**

As a pre-requisite for this Application being considered, I believe that:

- This Application only to be considered in the context of a larger strategic planning study;
- A general traffic management strategy be developed to handle the expected levels of trade and general public vehicle traffic along Cherry Lane during construction periods; and
- All 174 impacted property owners be consulted.

With reference to this specific Application, if this sort of development is deemed to be appropriate for this area, I would like to see:

- The three lots reduced to what has become the standard two-block “battle-axe” block format in this area;
- A specific requirement/condition for the planting of significant trees be placed on both blocks - as I understand is being implemented in some areas of Sydney now;
- Conditions placed on the development whereby the privacy and general amenity that existing property owners are given some protection. These should include:
  - Changing the driveway location from the east to the west side plus including a requirement for landscaping (e.g. hedging or trees) to be installed along the west side of the driveway.
  - Building envelopes that provide some sort of protection from shadowing and privacy breach.
  - A water run-off management plan than ensures no water enters our property from this development.
- A condition on the subdivision that acknowledges that the large eucalypts in the south-eastern corner of our property were there long before this development and hence no demands can be placed on us to have them removed to accommodate risks that may emanate from new owners wanting to build structures that may be at risk from them;
- A traffic management plan that ensures that the many trades and heavy-haulage vehicles do not disrupt traffic on Cherry Lane; and
- If this development proceeds with more than two blocks, I believe the developers should be forced to provide a waste management plan whereby waste has to be collected from within the development and not have the “bin congestion” images (in particular on 3-bin day) that are now becoming common around the Macedon Ranges Shire.



**Total contradiction of all previous subdivision planning decisions in the area**

In a recent study [REDACTED] it was demonstrated that a precedence has been set with a list of nineteen (19) properties in the area that have been subdivided into two lots without such applications being taken to VCAT.

**Cherry Lane properties**

- 1 became 1, 9 & 11 approved
- 14 became 12 and 14 approved (further subdivision of 14 was denied)
- 22 became 18 and 22 approved
- 25 became 25 and 29 approved
- 30 became 30 and 34 approved
- 48 became 48 and 42 approved (further subdivision of 42 was denied)

**Ormerod Court properties**

- 1 became 1 and 1 A approved
- 3 became 3 and 3B approved
- 9 became 9A and 9B approved
- 10 became 10A and 10 B approved
- 11 became 11 and 11A approved
- 12 became 12 and 49, 53 and 57 Ross Watt approved
- 14 became 14 Ormerod and 14 Ross Watt Road approved
- 19 became 19A and 19B approved
- 21 became 21A and 21B approved
- 22 became 22 A and 22B approved
- 23 became 23 and 24 approved

**Swinburne Ave properties**

- 23 became 23A and 23B approved

**Skyline Drive properties**

- 1 became 1 and 1A approved

Whilst this may be viewed on one hand as 'past planning history', it can also be viewed as being indicative of where the neighbouring residents accept a level of subdivision and development without it adversely impacting on the semi-rural character, the living environment, and the high-quality landscapes of this area. All of which are policy objectives when balancing township growth.

Approval of this application to subdivide 33 Cherry Lane into three lots will be in total contradiction with the previous 19 decisions by Council.

**Negative impact on the environment and visual amenity of Cherry Lane and the broader Gisborne township.**

I object to the fact that at a time when the MRSC has declared a "climate emergency" they would be supportive of a proposal that results in around 30 trees/shrubs, including the magnificent eucalypt on the back half of this block, being destroyed.

The small lot sizes, in particular the back two, means that with no building envelope in place and the modern propensity to build large homes, there will not be space to plant any substantive trees that would provide the shade/wildlife habitat that I believe should be mandatory in this new climate-change era.

Again, when you combine this with the destruction of another 30 trees/shrubs on the four-unit development next door at 33 Cherry Lane, I fail to reconcile this action with MRSC's Gisborne Futures and Climate Emergency positions.

#### **Direct impact on our privacy and amenity**

I object to the lack of consideration in this proposal for the privacy and visual and environment amenity [REDACTED]

The design of our garden and house is all based on having neighbours that not only place similar value on such large-lot attributes but also have the space to achieve this.

I see nothing in the Application that will:

- Limit shadowing over my property – with potential adverse impacts [REDACTED]
- Protect our privacy - including limiting neighbours' [REDACTED]
- Protect our visual amenity when looking towards Cherry Lane or out over the Gisborne township;
- Protect the large eucalypt trees in the [REDACTED] from the likely pressure that will come when someone tries to build on a tiny block and works out that these trees might pose a risk to them and their property; and
- Resolve the current issue where water runs off the rear western side of 35 Cherry Lane [REDACTED]

#### **Lack of consultation with all impacted residents**

This proposal, particularly when combined with the 33 Cherry Lane development, impacts all 174 property owners in the area to some degree and hence they should be formally advised of this sort of potential change to the neighbourhood in which they live, bought into and have shaped.

Whether it be from having to drive/walk/ride past these properties each day (as there are only two ways in/out of this area) or having to endure yet more vehicles queuing up at the Cherry Lane/Station Road intersection, it is my opinion that they should be given the opportunity to have a say.

#### **Impact on traffic congestion**

MRSC continue to approve developments that add daily vehicle movements to the Cherry Lane/Station Road intersection – arguably the most dangerous intersection in the Macedon Ranges. In my opinion any development that places incremental pressure on this dangerous intersection should not be approved until a solution that reduces the risks associated with this intersection is found and implemented.

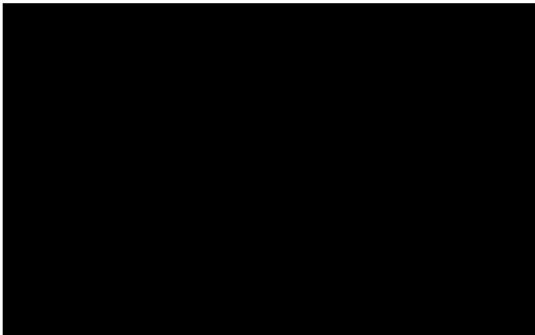
#### **What I would like to see happen:**

As a pre-requisite for this Application being considered, I believe that:

- This Application only to be considered in the context of a larger strategic planning study;
- A general traffic management strategy be developed to handle the expected levels of trade and general public vehicle traffic along Cherry Lane during construction periods; and
- All 174 impacted property owners be consulted.

With reference to this specific Application, if this sort of development is deemed to be appropriate for this area, I would like to see:

- The three lots reduced to what has become the standard two-block “battle-axe” block format in this area;
- A specific requirement/condition for the planting of significant trees be placed on both blocks - as I understand is being implemented in some areas of Sydney now;
- Conditions placed on the development whereby the privacy and general amenity that existing property owners are given some protection. These should include:
  - Changing the driveway location from the east to the west side plus including a requirement for landscaping (e.g. hedging or trees) to be installed along the west side of the driveway.
  - Building envelopes that provide some sort of protection from shadowing and privacy breach.
  - A water run-off management plan than ensures no water enters our property from this development.
- A condition on the subdivision that acknowledges that the large eucalypts in the south-eastern corner of our property were there long before this development and hence no demands can be placed on us to have them removed to accommodate risks that may emanate from new owners wanting to build structures that may be at risk from them;
- A traffic management plan that ensures that the many trades and heavy-haulage vehicles do not disrupt traffic on Cherry Lane; and
- If this development proceeds with more than two blocks, I believe the developers should be forced to provide a waste management plan whereby waste has to be collected from within the development and not have the “bin congestion” images (in particular on 3-bin day) that are now becoming common around the Macedon Ranges Shire.



Submission 4

D22-161771



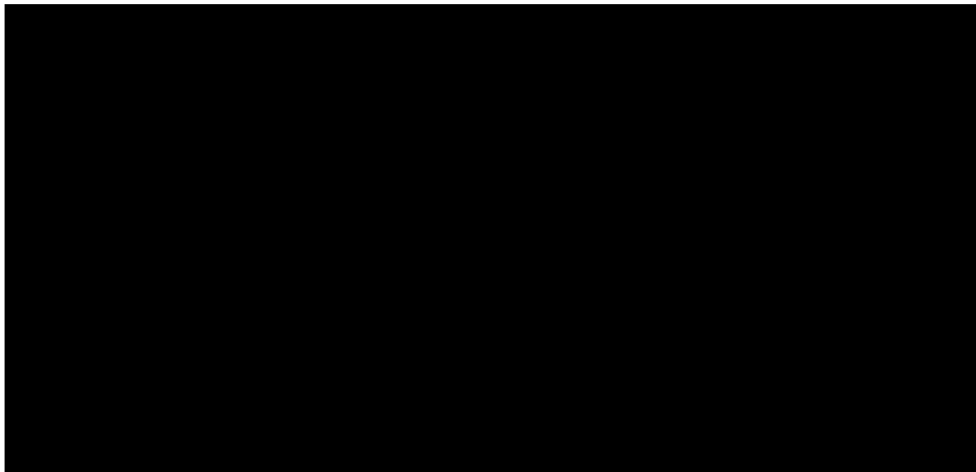
To Macedon Ranges Shire Council

**Re: Planning applications PLN2021/502 & PLN 2022/314**

Please find attached our objections to the TWO applications noted above.

You will no doubt recognise them as the same as submitted recently by [REDACTED] and we are resubmitting them, with his [REDACTED] in order to firmly associate ourselves with [REDACTED] statements.

We find it extraordinary that applications of this nature can be allowed to progress when there are so many objective errors within the application and when they are so extremely against so many local planning guidelines.



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**Additional submission to Planning applications PLN2021/502 & PLN 2022/314**

Dear Councillors and Macedon Ranges Shire Planners,

Please consider this an additional submission to the individual objections already lodged for development proposals at 33 and 35 Cherry Lane Gisborne.

This is primarily a response to the indicated recommendations of council's senior statutory planner for the application at 35 Cherry Lane who has advised that he has "*determined that the proposal is an acceptable development response for the site and the applicable planning controls.*"

**1. Proposals at 33 and 35 Cherry Lane**

Firstly please ask yourselves if either of these development proposals at 33 and 35 Cherry Lane visually look like an acceptable outcome for either site given the development density of surrounding areas (Figure 1)?

***Figure 1 Subdivision pattern of Cherry Lane and surrounding area***

(Diagram omitted)

Secondly, please consider the history and precedent regarding the surrounding properties which is as follows:

**Cherry Lane properties**

1 became 1, 9 & 11 *approved*

14 became 12 and 14 *approved* (further subdivision of 14 was denied)

22 became 18 and 22 *approved*

25 became 25 and 29 *approved*

30 became 30 and 34 *approved*

48 became 48 and 42 *approved* (further subdivision of 42 was denied)

**Ormerod Court properties**

1 became 1 and 1 A *approved*

3 became 3 and 3B *approved*

9 became 9A and 9B *approved*

10 became 10A and 10 B *approved*

11 became 11 and 11A *approved*

12 became 12 and 49, 53 and 57 Ross Watt *approved*

14 became 14 Ormerod and 14 Ross Watt Road *approved*

19 became 19A and 19B *approved*

21 became 21A and 21B *approved*

22 became 22 A and 22B *approved*

23 became 23 and 24 *approved*

**Swinburne Ave properties**

23 became 23A and 23B *approved*

**Skyline Drive properties**

1 became 1 and 1A *approved*

Around 19 other subdivisions have been approved in the area over time. These have primarily been 2 lot subdivisions into lots of around 2000 square metres (proposals for smaller lots have been refused). As can be seen in Figure 1 none have even come close to the density now proposed.

If those previous subdivisions were considered appropriate in terms of the planning scheme's requirements and protection of Gisborne's semi-rural character, how can the high density applications for 33 and 35 Cherry Lane also be appropriate?

It also needs to be noted that recently these two adjoining properties were initially proposed as a "combined project" for 14 townhouses on the combined sites. This resulted in significant uproar, major local objection and extreme distress on the part of the [REDACTED] of the 33 Cherry Lane property.

Both of the current proposals are outside the scheme's preferred medium density area and are completely out of character with their surrounding area. They cannot be considered in isolation. Justification for such proposals needs to be a lot more than that they are "acceptable", they would need to excel.

**1. Comments on 35 Cherry Lane – 3 lot subdivision PLN2022\_314-35**

The planning application is supported [REDACTED] report which is merely a Design Response Report to generic ResCode standards and does not consider any other part or requirements of the Macedon Ranges planning scheme.

The application also seeks removal of a substantial easement (E-1) applied to the property but the [REDACTED] report doesn't address this, or the advice of Citipower that the proposal affects underground power assets and construction methods are restricted.

The report (which incorrectly refers to the "Hume planning scheme at General Residential Zone subdivision guidelines on page 2) has a number of significant omissions or oversights which require more detailed explanation (including fundamental design flaws and uncertain provision of infrastructure).

Specifically:

- a. Statement at 56.01 – Subdivision Site and Context Description *"The size, orientation and access of the lots are consistent with the surrounding area"*

**Comment:** This is not accurate as there are NO other battle-axe blocks accessing two (2) lots behind existing houses within the surrounding area.

- b) Statement at 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.”*

**Comment:** I refer you to the Vicmap plan supplied (Figure 1 above) which shows the obvious contradiction in that the lots proposed are entirely INCONSISTENT with the surrounding area.

c) Statement at 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.”*

**Comment:** This is ambiguous at best, illusive at worst without identified building envelopes. Any proposed cast shadow calculations etc cannot be performed. Additionally, in order to proceed the existing residence would need to be demolished or significantly modified to provide access to the proposed two lots at the rear.

d. Statement at 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.”*

**Comment:** There are no building envelopes identified on any of the lots.

e. Statement at 56.04-4 – Street Orientation

*“All lots have convenient access through the common property and providing amenities and community interaction.”*

**Comment:** Access will be far from convenient on 3 bins days when there are nine bins across one access driveway

f. Statement at 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.”*

**Comment:** No access is possible to the rear two lots without demolition or extensive modifications to the existing ‘fenceline-to-fenceline’ residence to construct the common driveway. Existing crossover design does not align with plans for the common driveway nor does it provide safe access or good visibility with existing planting. A number of mature trees require removal to accommodate the new driveway access.

g. Statement at 56.07-03 – Waste water management

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

**Comment:** Access to existing sewer services would have to overcome significant adverse fall to connect to the sewer on the North side of Cherry Lane as evidenced by the survey elevations provided.

h. Statement at 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.”*

**Comment:** For the assessment of storm water run-off calculations the proposed common driveway needs to be considered a road and treated as such. The existing Legal Point of Discharge is to the South West (not north), across a neighbouring property and discharges to an easement open to the Jacksons Creek escarpment. Additional buildings and hard surfaces will deliver significant increases in storm water discharge. This discharge will deliver additional water flows to an area downstream that is already flood prone as evidenced by recent rain events.

i. Statement at 56.09-1 – Shared Trenching *“There are no new streets proposed within the subdivision.”*

j. Statement at 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.”*



**Comment:** Services provision according to the subdivision plan will require the services to be run in a shared trench contradicting the statement at 56.09-1.

- k. Statement at 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.”*

**Comment:** The proposal is actually in complete contrast to the neighbourhood’s existing character and consideration for use of existing infrastructure and amenities is marginal at best, negligent at worst.

Given the above deficiencies, along with the reference to “Hume”, spelling mistakes on the cover letter, and survey plans that show the property at 35 Cherry Lane *Gisbourne*, the single planning report supporting this application is like a cut-and-paste template and so lacking in detail it can be questioned whether it is fit for purpose. This should raise council’s concern regarding the integrity and thoroughness of the whole proposal.

#### 1. Comments on 33 Cherry Lane – 4 Dwellings and 4 Lot Subdivision (PLN2021/502)

- a. This property’s proposal submitted by “Planning Notices R Us” addresses none of the General Residential Zone guidelines mentioned.
- b. The photos of the surrounding area taken from google earth are at least 4 years out of date showing a neighbouring block as vacant where indeed there is a residence occupied since March 2019.
- c. When held alongside the 35 Cherry Lane proposal it neglects most of the requirements specified and omits to address most of the Macedon Ranges planning scheme’s requirements.

See Figure 1 above, and Figure 2 below. Then ask if four units jammed together on a long skinny block really fits the existing area.

The point is that if the proposal for 35 Cherry Lane is approved it will set a precedent for and support approval of the proposal at 33 Cherry Lane.

#### 1. Neither Proposal Is Within Gisborne’s Preferred Medium Density Area

Macedon Ranges planning scheme at Clause 21.13-1 contains the Gisborne/New Gisborne Framework Plan, which shows the area where medium density development is preferred (Figure 2 below). Medium density development in the preferred area must also meet the requirements of Design and Development Overlay, Schedule 17 (DDO17).

Figure 2 shows both 33 and 35 Cherry Lane fall well outside the planning scheme’s preferred medium density development area in Gisborne. Consequently they do not have to meet the requirements for medium density development in DDO17.

Both the 33 and 35 Cherry Lane medium density proposals step well outside the planning scheme’s strategic framework and both set a precedent for the area in which they are proposed. Approval of either would need significantly more justification than a shaky ResCode assessment to be “acceptable” under any terms, and cannot be simply “pushed through” by either statutory or strategic planning departments.

The questions councillors need to ask are: “*Why should we make an exception for this development? Why step out of the areas already designated for this type of development into one which isn’t?*”

(Diagram omitted)

#### 1. Conclusion

Where does it stop? The cumulative impact and precedent setting implications of proposals for 33 and 35 Cherry Lane have the potential to radically alter the immediate area and these implications must be considered by Councillors, and statutory and strategic planning staff. Principles that must be applied include:

##### **Macedon Ranges Statement of Planning Policy, Objective 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.”*

##### **Macedon Ranges Planning Scheme, Clause 21.13-1, Gisborne, Settlement and Housing Objectives. Objective 3:**

*“To manage urban growth and development in a coordinated and environmentally sustainable manner that ensures Gisborne remains a semi-rural township that respects the established village character, natural setting, topography and view lines of the area.”*

These policy priorities, which also give expression to community expectations, are requirements that Council cannot ignore. This process cannot afford to fail, lest it destroy the fabric of the very neighbourhood its role is to protect.

Our position is that the proposals at 33 and 35 Cherry Lane, which seem driven by maximising profit, are not consistent with the above priorities.

They also conflict with the planning scheme’s Clause 21.13-1 Gisborne Settlement and housing objectives, Objective 3, Strategy 1.8:

*“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. Appropriate locations are those areas where slope and access to services are favourable for medium density development and where such development is compatible with established landscape and township character, and places of heritage significance. Medium density housing may be appropriate in locations outside designated areas if all of the following apply:*

- *The site is located near public open space or a local neighbourhood activity centre;*
- *A site responsive and high quality built form outcome is achieved, and generous landscaping that contributes to the local neighbourhood character is provided;*
- *Amenity impacts on adjoining residential properties are minimised; and*
- *The intensity and scale of development is in keeping with the character of the area.”*

In this case, the application for 35 Cherry Lane proposes a type of development that is so obviously anomalous with and damaging to its surrounding character, and is further deficient in many ways, including lot and access design, lack of building envelopes (these would be a no-brainer – with a Section 173 Agreement keeping them in place), uncertain infrastructure provision, and removal of a large, third party

easement to enable the proposal to proceed.

I ask that you all carefully consider these matters in the decision-making process and trust that the issue can be addressed locally without having to engage VCAT.

I look forward to your response



Submission 5

D22-169971



Please consider this an additional submission to the individual objections already lodged for development proposals at 33 and 35 Cherry Lane Gisborne.

This is primarily a response to the indicated recommendations of council's senior statutory planner for the application at 35 Cherry Lane who has advised that he has *"determined that the proposal is an acceptable development response for the site and the applicable planning controls."*

**1. Proposals at 33 and 35 Cherry Lane**

Firstly please ask yourselves if either of these development proposals at 33 and 35 Cherry Lane visually look like an acceptable outcome for either site given the development density of surrounding areas (Figure 1)?

***Figure 1 Subdivision pattern of Cherry Lane and surrounding area***



Secondly, please consider the history and precedent regarding the surrounding properties which is as follows:

**Cherry Lane properties**

- 1 became 1, 9 & 11 *approved*
- 14 became 12 and 14 *approved* (further subdivision of 14 was denied)
- 22 became 18 and 22 *approved*
- 25 became 25 and 29 *approved*
- 30 became 30 and 34 *approved*
- 48 became 48 and 42 *approved* (further subdivision of 42 was denied)

**Ormerod Court properties**

- 1 became 1 and 1 A *approved*
- 3 became 3 and 3B *approved*
- 9 became 9A and 9B *approved*
- 10 became 10A and 10 B *approved*
- 11 became 11 and 11A *approved*
- 12 became 12 and 49, 53 and 57 Ross Watt *approved*
- 14 became 14 Ormerod and 14 Ross Watt Road *approved*
- 19 became 19A and 19B *approved*
- 21 became 21A and 21B *approved*
- 22 became 22 A and 22B *approved*
- 23 became 23 and 24 *approved*

**Swinburne Ave properties**

- 23 became 23A and 23B *approved*

**Skyline Drive properties**

1 became 1 and 1A *approved*

Around 19 other subdivisions have been approved in the area over time. These have primarily been 2 lot subdivisions into lots of around 2000 square metres (proposals for smaller lots have been refused). As can be seen in Figure 1 none have even come close to the density now proposed.

If those previous subdivisions were considered appropriate in terms of the planning scheme's requirements and protection of Gisborne's semi-rural character, how can the high density applications for 33 and 35 Cherry Lane also be appropriate?

It also needs to be noted that recently these two adjoining properties were initially proposed as a "combined project" for 14 townhouses on the combined sites. This resulted in significant uproar, major local objection and extreme distress on the part of the now deceased owner of the 33 Cherry Lane property.

Both of the current proposals are outside the scheme's preferred medium density area and are completely out of character with their surrounding area. They cannot be considered in isolation. Justification for such proposals needs to be a lot more than that they are "acceptable", they would need to excel.

**2. Comments on 35 Cherry Lane – 3 lot subdivision PLN2022\_314-35**

The planning application is supported [REDACTED] report (attached), which is merely a Design Response Report to generic ResCode standards and does not consider any other part or requirements of the Macedon Ranges planning scheme.

The application also seeks removal of a substantial easement (E-1) applied to the property but the [REDACTED] report doesn't address this, or the advice of Citipower that the proposal affects underground power assets and construction methods are restricted.

The report (which incorrectly refers to the "Hume planning scheme at General Residential Zone subdivision guidelines on page 2) has a number of significant omissions or oversights which require more detailed explanation (including fundamental design flaws and uncertain provision of infrastructure).

Specifically:

- a) Statement at 56.01 – Subdivision Site and Context Description *"The size, orientation and access of the lots are consistent with the surrounding area"*

**Comment:** This is not accurate as there are NO other battle-axe blocks accessing two (2) lots behind existing houses within the surrounding area.

- b) Statement at 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."*

**Comment:** I refer you to the Vicmap plan supplied (Figure 1 above) which shows the obvious contradiction in that the lots proposed are entirely INCONSISTENT with the surrounding area.

- c) Statement at 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."*

**Comment:** This is ambiguous at best, illusive at worst without identified building envelopes. Any proposed cast shadow calculations etc cannot be performed. Additionally, in order to

proceed the existing residence would need to be demolished or significantly modified to provide access to the proposed two lots at the rear.

- d) Statement at 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.”*

**Comment:** There are no building envelopes identified on any of the lots.

- e) Statement at 56.04-4 – Street Orientation  
*“All lots have convenient access through the common property and providing amenities and community interaction.”*

**Comment:** Access will be far from convenient on 3 bins days when there are nine bins across one access driveway

- f) Statement at 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.”*

**Comment:** No access is possible to the rear two lots without demolition or extensive modifications to the existing ‘fenceline-to-fenceline’ residence to construct the common driveway. Existing crossover design does not align with plans for the common driveway nor does it provide safe access or good visibility with existing planting. A number of mature trees require removal to accommodate the new driveway access.

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

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**Comment:** For the assessment of storm water run-off calculations the proposed common driveway needs to be considered a road and treated as such. The existing Legal Point of Discharge is to the South West (not north), across a neighbouring property and discharges to an easement open to the Jacksons Creek escarpment. Additional buildings and hard surfaces will deliver significant increases in storm water discharge. This discharge will deliver additional water flows to an area downstream that is already flood prone as evidenced by recent rain events.

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

**Comment:** Services provision according to the subdivision plan will require the services to be run in a shared trench contradicting the statement at 56.09-1.

- k) Statement at 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.”*

**Comment:** The proposal is actually in complete contrast to the neighbourhood’s existing character and consideration for use of existing infrastructure and amenities is marginal at best, negligent at worst.

Given the above deficiencies, along with the reference to “Hume”, spelling mistakes on the cover letter, and survey plans that show the property at 35 Cherry Lane *Gisbourne*, the single planning report supporting this application is like a cut-and-paste template and so lacking in detail it can be questioned whether it is fit for purpose. This should raise council’s concern regarding the integrity and thoroughness of the whole proposal.

### 3. Comments on 33 Cherry Lane – 4 Dwellings and 4 Lot Subdivision (PLN2021/502)

- a) This property’s proposal submitted by “Planning Notices R Us” addresses none of the General Residential Zone guidelines mentioned.
- b) The photos of the surrounding area taken from google earth are at least 4 years out of date showing a neighbouring block as vacant where indeed there is a residence occupied since March 2019.
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### 4. Neither Proposal Is Within Gisborne’s Preferred Medium Density Area

Macedon Ranges planning scheme at Clause 21.13-1 contains the Gisborne/New Gisborne Framework Plan, which shows the area where medium density development is preferred (Figure 2 below). Medium density development in the preferred area must also meet the requirements of Design and Development Overlay, Schedule 17 (DDO17).

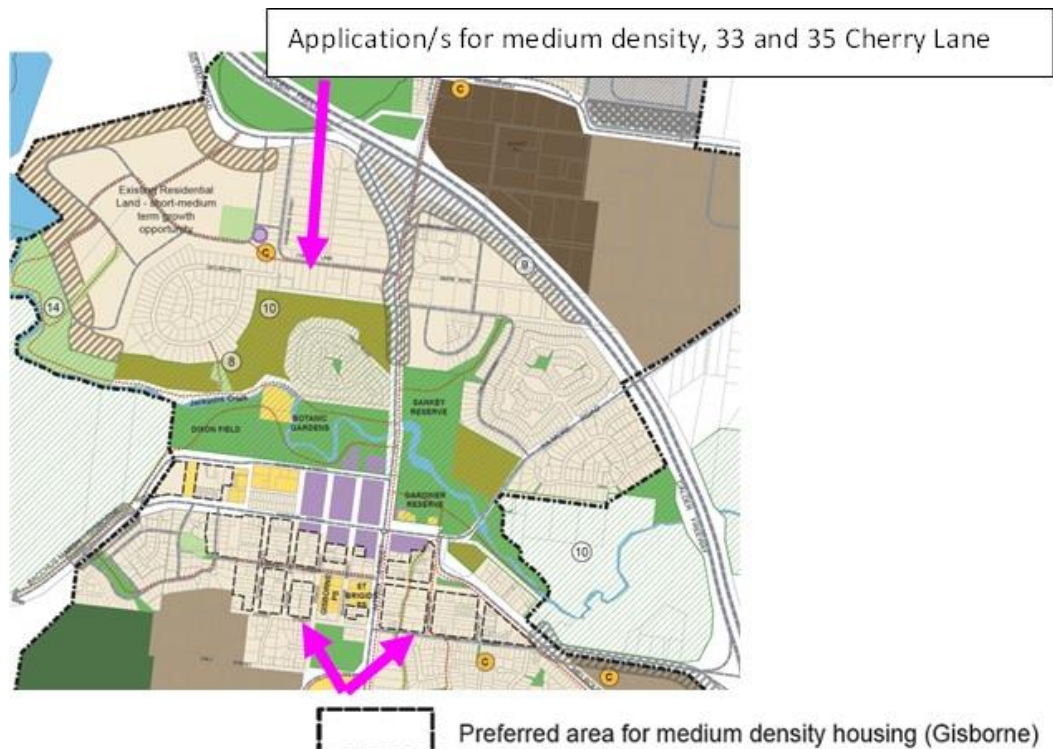
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The questions councillors need to ask are: *“Why should we make an exception for this development? Why step out of the areas already designated for this type of development into one which isn’t?”*

**Figure 2 Preferred Medium Density Areas, Gisborne**





Our position is that the proposals at 33 and 35 Cherry Lane, which seem driven by maximising profit, are not consistent with the above priorities.

They also conflict with the planning scheme’s Clause 21.13-1 Gisborne Settlement and housing objectives, Objective 3, Strategy 1.8:

*“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. Appropriate locations are those areas where slope and access to services are favourable for medium density development and where such development is compatible with established landscape and township character, and places of heritage significance. Medium density housing may be appropriate in locations outside designated areas if all of the following apply:*

- *The site is located near public open space or a local neighbourhood activity centre;*
- *A site responsive and high quality built form outcome is achieved, and generous landscaping that contributes to the local neighbourhood character is provided;*
- *Amenity impacts on adjoining residential properties are minimised; and*
- *The intensity and scale of development is in keeping with the character of the area.”*

In this case, the application for 35 Cherry Lane proposes a type of development that is so obviously anomalous with and damaging to its surrounding character, and is further deficient in many ways, including lot and access design, lack of building envelopes (these would be a no-brainer – with a Section 173 Agreement keeping them in place), uncertain infrastructure provision, and removal of a large, third party easement to enable the proposal to proceed.

I ask that you all carefully consider these matters in the decision-making process and trust that the issue can be addressed locally without having to engage VCAT.



9 REPORTS

<b>9.1</b>	<b>PLN/2023/17 - 7 REGAN DRIVE, ROMSEY</b>
<b>Application Details:</b>	<b>Use of the land for domestic animal husbandry (5 dogs)</b>
<b>Officer:</b>	<b>Chelsea Bongiovanni, Statutory Planning Officer</b>
<b>Council Plan relationship:</b>	<b>3. Improve the built environment</b>
<b>Attachments:</b>	<b>1. Plans</b> <a href="#">↓</a> <b>2. Acoustic Assessment</b> <a href="#">↓</a>
Triggers for a planning permit	General Residential Zone – Use the land for Domestic Animal Husbandry (5 dogs)
Zones and Overlays	General Residential Zone Design and Development Overlay (Schedule 18) Development Contributions Plan Overlay (Schedule 1)
No. of objectors	Five (5) objections
Trigger for report to <b>the Committee</b>	Councillor Call-in
Key Considerations	Amenity impacts on the residential area and appropriateness of such uses within a residential zone.
Conclusion	Notice of Decision to Refuse to Grant a Permit
Date of receipt of application:	19 January 2023

**Summary**

The proposal is for the use of the land for domestic animal Husbandry (5 dogs). The application was advertised and five (5) objections have been received in response to the proposal.

Key issues to be considered relate to appropriateness of the use within the General Residential Zone and the amenity impacts of the proposed use upon adjoining residential land.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered to be inconsistent with the relevant provisions and objectives of the Scheme. Accordingly, it is recommended that a Notice of Decision to Refuse to Grant a Permit be issued.

**Recommendation**

**That the Committee issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application PLN2023/17 at 7 Regan Drive, Romsey on the following grounds:**

- 1. The proposal is inconsistent with Clause 13.05-1S of the planning scheme that relates to noise abatement and the control of noise effects on sensitive land uses.**

2. The proposal is contrary to Clause 13.07-1S as it fails to safeguard community amenity while facilitating a use having potential off-site effects.
3. The proposal is inconsistent with the zoning of the land (General Residential Zone) as the proposed use will not be compatible with residential uses and it will adversely affect the amenity of nearby residential uses in relation to noise.
4. The submitted acoustic report does not detail how the proposal will meet the EPA Noise Control Guidelines in relation to such uses.
5. The proposal is contrary to Clause 65.01 as it will not result in orderly planning and will have impact on the amenity of the area.

**Existing conditions and relevant history**

Subject land

The subject site is located on the south side of Regan Drive, approximately 200m west from its intersection with Main Street. It is rectangular in shape having an overall area of approximately 2720m<sup>2</sup>. It contains an existing dwelling with a couple of associated outbuildings. Vehicle access to the property is via a crossover located in the north-east corner of the lot. The site has minimal landscaping and is mostly level. A 1.8 metre high Colorbond fence has been constructed across the southern and western boundaries of the site and a standard timber paling fence runs along the eastern side.

Surrounds

The surrounding area is residential, with a mix of land sizes and dwelling densities with a noticeable emerging character of multi-unit developments replacing old housing stock on similar sized lots as the subject site. The subject site is located within the Established Area A precinct (3) as outlined Design and Development Overlay – Schedule 18 and is approximately 750 metres south of the Romsey township core.

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

A Restrictive Covenant (Instrument no. J034988) is registered on the Certificate of Title. The Covenant relates to the requirement of Brick or Brick Veneer external walls to any dwelling. The proposal does not contravene the Covenant.

Previous planning permit history

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

<b>Permit No.</b>	<b>Description</b>
PLN/2020/126	Two (2) lot subdivision.  This planning permit has been issued for the subdivision of the land into two lots in October 2020. This permit is currently active. The subdivision will result in reducing the lot size for the proposed operation.
PLN/2022/239	Use of the land for Domestic Animal Husbandry (Dog Breeding) - Withdrawn

**Proposal**

The proposal is for the use of the land for domestic animal husbandry (5 dogs). No buildings and works have been proposed. The applicant currently has 5 dogs at the subject site and therefore the proposal is retrospective. The applicant is a registered breeder with Dogs

Victoria and the German Shepherd Council of Australia. The applicant claims to only have 1 fertile female currently at the site, and that they only want to breed a litter every now and then. They also claim that the Shepherd puppies have to be legally kept on the site for 8 weeks of age and then can be transferred to a new home.

The keeping of the dogs is mainly done within the existing dwelling, with some outside activity occurring as required.

**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. The proposal involves a non-residential use in a residential zone and none of the objectives of the Statement of Planning Policy are as such relevant to the proposal.

Planning Policy Framework

Clause no.	Clause name
02	Municipal Planning Strategy
11.03	Planning for Places
11.03-3	Peri-urban areas
13.05	Noise
13.07	Amenity, Human Health and Safety

Zoning

Clause no.	Clause name
32.08	General Residential Zone (Schedule)

Overlay

Clause no.	Clause name
43.02	Design and Development Overlay (Schedule 18)
45.06	Development Contributions Plan Overlay (Schedule 2)

Particular provisions

Clause no.	Clause name
51.07	Macedon Ranges Statement of Planning Policy

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	No

	Assessment criteria	Assessment response
	mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	
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

Authority (Section 55)	Response
Not required	

Authority (Section 52)	Response
MRSC Engineering	No objection
MRSC Health	Objection.
MRSC Local Laws	Objection.

Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by sending notices to the owners and occupiers of surrounding/adjoining land and by requiring a notice to be erected on each frontage of the site for a period of 14 days.

In response to the notification of the proposal, five (5) objections were received from nearby properties. The following table provides a summary of the concerns with the proposed development, and includes an Officer response to the concerns raised:

Concern with Proposal	Response to Concern
Noise (loud, aggressive and frequent barking);	Residential areas have higher amenity expectations. Evidence that Council has suggests that barking is regularly occurring and often constant. Many complaints have also been received since the applicants moved to the site.  Furthermore, the proposal has not adequately addressed detrimental noise impacts through any noise abatement measures. The applicant mostly works from

	home and has installed cameras, but these are not appropriate measures to manage noise.
Loss of residential amenity (smells and hygiene);	This is a reasonable concern given the site is zoned General Residential which has the main purpose to provide accommodation. Waste is currently disposed of in green bags and then placed in the green waste bin and no details have been provided in relation to waste management.
Environmental impacts (air quality and loss of wildlife);	The site to the rear does contain a significant amount of vegetation that could contain fauna, however, the applicant claims that the dogs are mostly kept inside the house. Furthermore, the applicant states that any chemicals used have no impact on the environment.
Curfews are not in place as claimed by the applicant;	Council cannot confirm this. The applicant states that the dogs are inside overnight.
Has already been multiple dogs and litters without Council consent;	Council have obtained photographs and videos that confirm this has occurred on two occasions (2022 and 2023).
Direct impacts from existing flood lights;	The applicant claims to not have flood lights on the property;
Safety;	The applicant states that the dogs are not aggressive as they are show dogs, however admits that they are protective.
Too scared to keep a pet of their own due to concerns of aggravating the applicants dogs further; and	The development plans do not include clear details of what fencing is proposed and existing, it also does not mention the long-term plans for the temporary pens in place. If they are to be permanent, they would require planning permission.
Fears that the applicant will exceed the number of animals permitted at the site if a permit is granted.	This cannot be confirmed, however breach of local laws and any planning permit could be managed through methods of enforcement.

**Officer assessment**

Strategic Planning Policy at Clause 02.03-1 discusses the hierarchy of Settlements within the Shire. Romsey is identified as a ‘Large District Town’, where the aim is to balance residential growth with employment opportunities. The strategic direction for Romsey is to adequately accommodate the strong rates of growth and restrict urban development within the township boundaries.

The objective of Clause 13.05-1S is “to assist the management of noise effects on sensitive land uses.” In order to achieve this objective the use must strive to ensure that community amenity and human health is not adversely impacted by noise emissions, and to ensure that impacts to occupants of sensitive land uses are minimised through site layout, urban design and land use separation techniques as appropriate.

The objective of Clause 13.07-1S is “to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.”

Relevant strategies to achieve this objective include:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

#### Clause 32.08 – General Residential Zone (GRZ):

The purpose of Clause 32.08 is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

#### Clause 43.02-2 – Design and Development Overlay – Schedule 18

The purpose of Clause 43.02 is “To identify areas which are affected by specific requirements relating to the design and built form of new development.

Schedule 18 of the Overlay identifies the site as being within the Established Area A. The design objectives of all precincts are “To protect residential amenity by ensuring development does not intrude on neighbouring dwellings” and “To ensure any fencing sited forward of a building is of a low height and accommodates a high degree of visual permeability”.

The construction of the Colorbond fence requires a permit, however this matter will be addressed by enforcement and a retrospective planning permit would be required pursuant to Clause 43.02-2.

#### Amenity including noise



The proposed use of the subject land for domestic animal husbandry would decrease the amenity of an established residential area. Such areas have higher amenity considerations and this is reflected within the purpose of the zone. Being located along a residential interface and located in close proximity to sensitive land uses (residential), the subject site is an inappropriate for the proposed use.

Amenity issues that may arise from the use primarily include noise pollution whereby the perpetual barking of dogs is known to exist at distances as far as 500m from the actual source. The Environment Protection Authority's *Noise Control Guidelines (Publication 1254.2) May 2021*, is 'primarily intended to be used by municipal officers in the resolution of complaints or to avert a possible noise nuisance. Some guidelines have been prepared so that they could be incorporated into a permit condition of a development or embodied as a local law'. Section 4 of the guidelines refers to Dog Kennels and the "problems caused by the perpetual barking of dogs" which have been "known to exist at distances as far as 500 metres from the actual source" as mentioned above.

The dwellings within 500m of the site are considered "sensitive land uses". In this case it is noted that there are a number of dwellings within a 500m radius of the kennels. An acoustic report is therefore one of the fundamental requirements of assessing applications of this nature as it provides guidance to assist the responsible authority in the resolution of complaints or to avert a possible noise resulting from operation of the use. It also provides the means by which the applicant can modify the dog kennels to provide for better acoustic measures if required. Importantly, it assists council to assess the objections received in relation to noise concerns.

In the absence of a proper acoustic report it cannot be established with certainty that there will be only reasonable impact on the amenity of adjoining residential uses. Therefore, it can be ascertained in this instance that the amenity of the area will be detrimentally affected by the proposal and non-compliance with the 500m setback guideline given the proximity to several dwellings.

It is also noted that the submitted acoustic report details the number of dogs does not increase barking, rather the behaviour of an animal itself. As the noise is already being generated from the proposed operation, it can be expected that the noise would continue if a permit was granted. The acoustic report does not provide any recommendations for noise abatement works or any further acoustic monitoring.

The streetscape appearance of the site has also been reduced due to the temporary fencing that has been put in place. The fencing is of a poor quality and is detrimental to the overall character of the area. The temporary dog pens, however, are located to the rear of the site and do not negatively impact the residential amenity. If the proposed use was ever approved, and the fencing and dog pens were to become permanent structures, they would need to form part of a planning permit application for buildings and works, pursuant to the zoning and overlay requirements. The design response would need to be greatly improved along with noise abatement measures in place.

#### Assessment – incompatible land use

Having regard to whether the land use is appropriate, it is recognised that 'dog husbandry' falls under the umbrella term 'domestic animal husbandry' and is an 'agricultural' land use pursuant to Clause 73.03 – Meaning of Terms. The site is also situated within one of the most sensitive zones, namely the General Residential Zone, which is typically not overly conducive to agricultural land uses for amenity reasons, as opposed to land within one of the rural zones that more regularly absorb animal husbandry businesses.

Furthermore, the surrounding area is anticipated to undergo some housing growth to accommodate expected population growth in the coming years. Therefore despite the area

currently maintaining a fairly informal, semi-rural character and setting, it is likely to evolve as the population increases resulting in consolidated housing and relatively high residential amenity expectations.

Notwithstanding, the General Residential Zone does not out rightly prohibit 'dog husbandry' or 'domestic animal husbandry' recognising that a small scale operation and indeed, one which is of a 'domestic' scale, can be acceptable and compatible with conventional residential living. To this end, the General Residential Zone provides specific parameters for the use, allowing 2 animals without a permit and a maximum of 5 animals subject to a permit requirement. A range of considerations are relevant when assessing the merits of a non-residential use in a residential area, however the scale and intensity of the use are clearly the critical factors together with site management, and to a lesser extent economic objectives and the ability to meet local community needs.

In this instance, the report has detailed that the amenity impact is inappropriate to that of a residential area. This is due to the large size of the breed, the lot size and the nature in which they are informally kept on site (in a dwelling and temporary fencing structures within the backyard).

As per the number of complaints and objections received by the Council, it can be determined that the unlawful use is already creating unreasonable impacts to adjoining residential properties. It is difficult to determine the accuracy of the submitted Acoustic Report prepared by 'Enfield Acoustics Pty Ltd' on March 2023, as Council Local Laws barking monitoring systems were in place for 3 months as opposed to one week conducted by the Acoustic Report. A significant amount of noise was recorded which occurred regularly and, often longer than 5 minutes at a time, constantly.

#### **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.

#### **Conclusion**

The protection of amenity within residential zone is of paramount importance to the policy contained within the planning scheme and to the local and wider community. It is considered that this application does not justify a need for such use on this site and that the application should be refused.

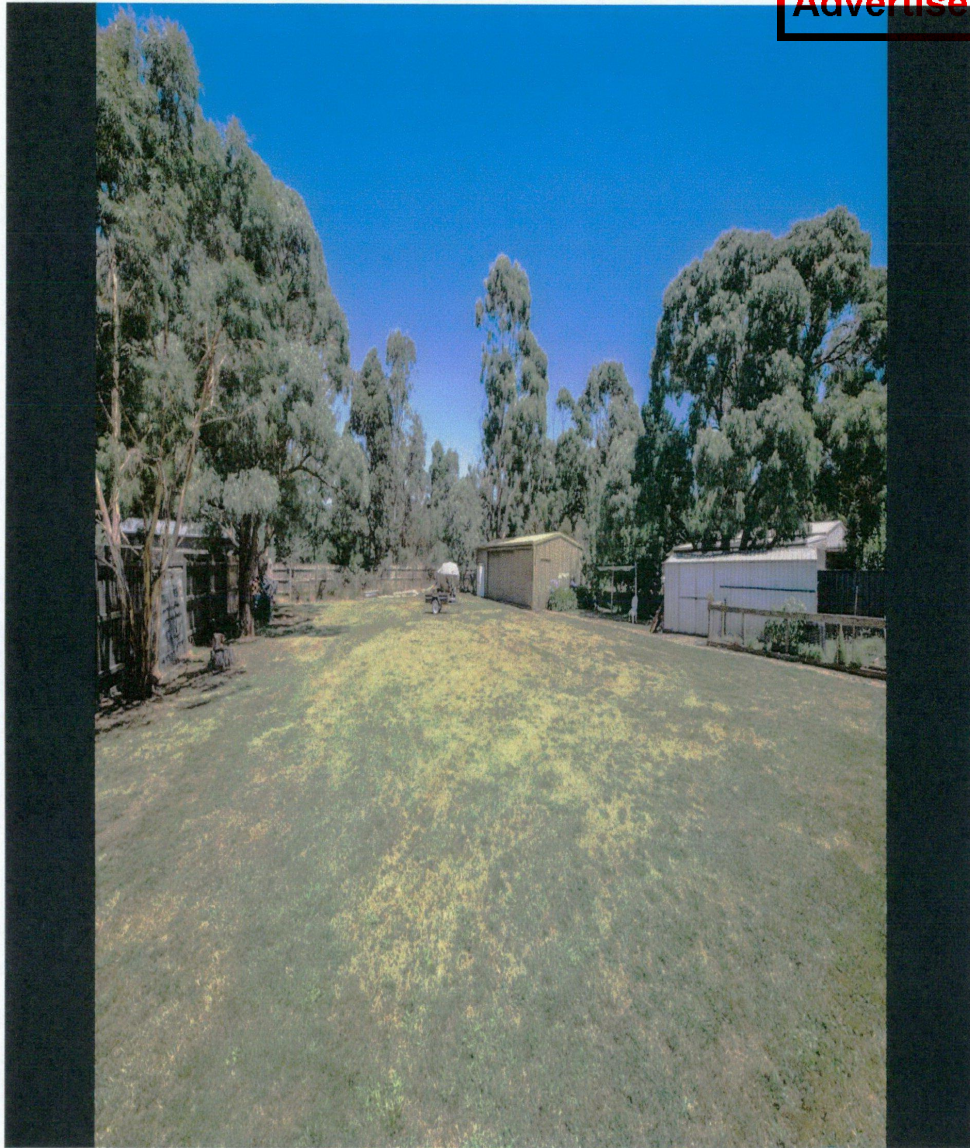
Advertised



*Aerial picture of property*

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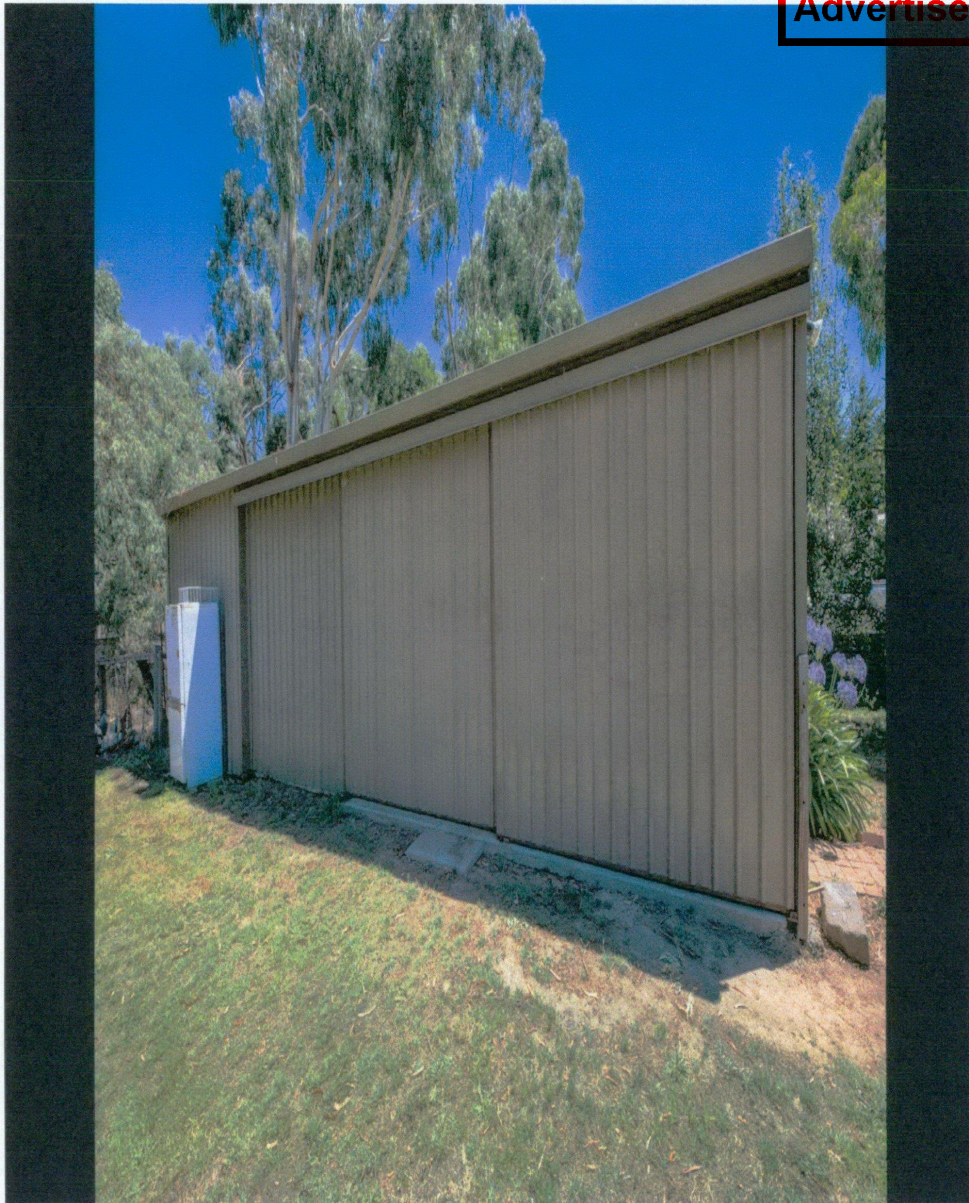
Backyard where dogs run

Small shed not a permanent structure

Since this photo, perimeter fencing has been internally erected so the dogs have no access to perimeter fencing with neighbours.



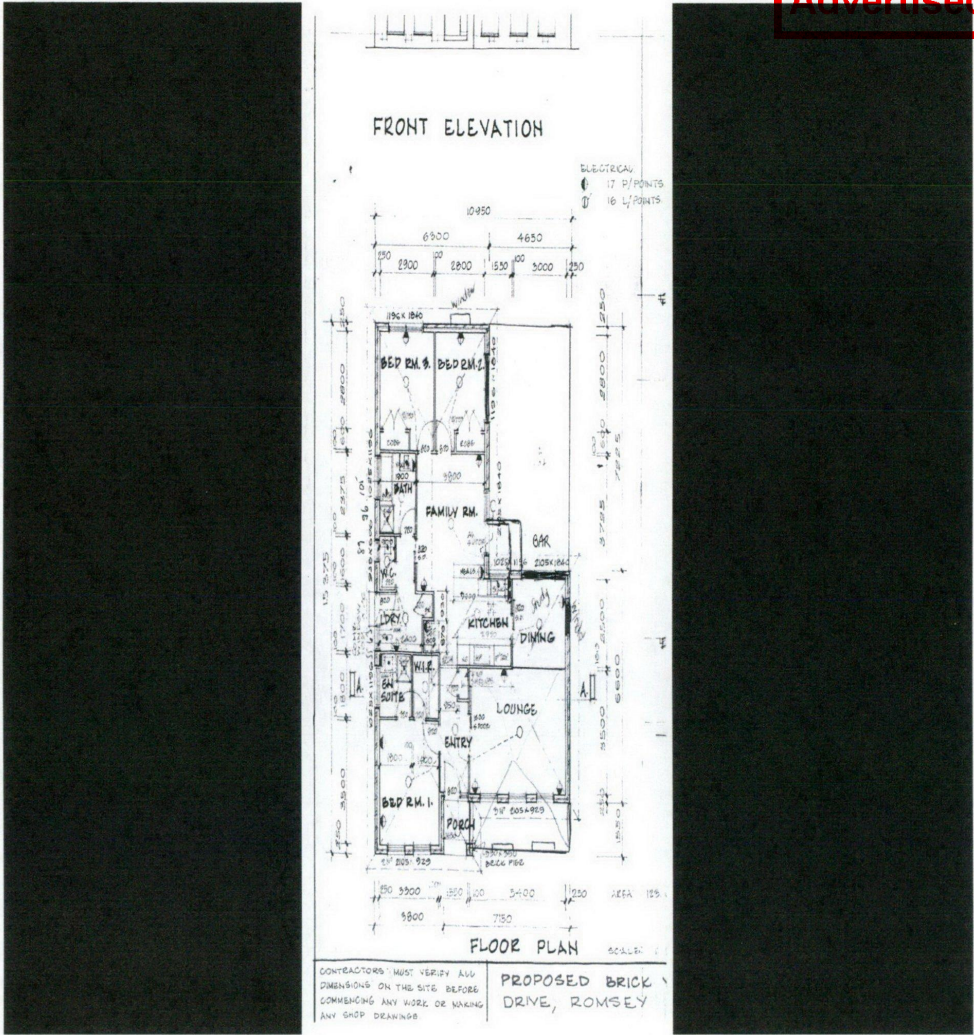
Advertised



Permanent Structure in Backyard.



Advertised



House plans nothing will alter.



Advertised



Further aerial shot.

**Advertised**

Enfield Acoustics Pty Ltd  
 ABN 15 628 634 391  
 PO Box 920  
 North Melbourne, VIC 3051  
 (03) 9111 0090



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March 17, 2023

Att: M T Rovetto

**PLN/2023/17**  
**7 REGAN DRIVE, ROMSEY**

**Re: Acoustic Assessment**

Enfield Acoustics has been engaged by the Applicant in the matter of Planning Permit Application No. PLN/2023/17 for use of the Subject Land of 7 Regan Drive, Romsey for the purpose of domestic animal husbandry.

It is understood that the Applicant already has four adult dogs and one puppy (14-weeks old) on the Subject Land and the application seeks to allow for a total of five breeding dogs. Three of the five existing dogs are already breeding dogs and therefore the increase in the number of breeding dogs would only be two.

Council issued an RFI, dated 16 February 2023, including the following:

- 4. An acoustic report or an opinion on the effectiveness of noise abatement measures to be used (including the planting buffers if applicable) by a suitably-qualified acoustic consultant.

This document provides our acoustic analysis in support of the application and in response to Council's RFI.

In-principle, an increase of two dogs would not be expected to result in a quantitative or qualitative change in noise impacts above the existing use for the following reasons:

- 1. Quantitatively, if we were to assume that all of the dogs barked at the same rate and magnitude, the theoretical noise increase would be 1-2dB when compared to the current use. This is an imperceptible change, noting that a 3dB change is the minimum threshold that can be detected by the human ear, and typically a 5dB change needs to occur to be clearly noticeable.

PLN/2023/17 - 7 REGAN DRIVE, ROMSEY  
 Tech Memorandum - Acoustic Assessment

V1375-01-P Tech Memo -  
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2. Qualitatively, the number of dogs does not typically correlate to the noise emission, because the number of barking events that occur will often be more dependent on the particular behaviour of an animal. To that end, if the existing five dogs on the Subject Land are well managed and rarely bark, it follows that the additional dogs if well managed would not necessarily increase the noise. The quantitative change above therefore relates to the probability of barking events occurring, and can only be used as a rule-of-thumb.

'Dog Kennels' are assessed under EPA Publication 1254 (Guidelines) however it is noted that the recommendations in the Guidelines are based on large boarding kennels, which often house a large number of dogs. Breeding operations are very different to boarding kennels in our experience for the following reasons:

1. The scaling is significantly lower, in particular regarding adult dogs which are primarily responsible for barking events.
2. Breeding facilities can manage the impacts of dog barking more readily, because the animals are familiar with the site and each other.

Regardless, the Guidelines provide some logical recommendations that should be considered for any commercial use that houses dogs, primarily that feeding should be restricted to the hours 7am-6pm and that dogs are housed or enclosed at night, so that external barking is restricted to the least sensitive periods defined in the Environment Protection Regulations 2021.

To better understand the Applicant's existing use and to determine the sensitivity of the proposed increase in breeding dogs, we installed a noise monitor on the Subject Land to record barking events between 8 and 14 March 2023. Our instructions are that the existing dogs are located within the dwelling on the Subject Land during the night and are generally only outside between the hours 7am and 10pm.

On review of the recordings, barking events were sporadic and there were no sustained barking periods over the week of monitoring. Further, all barking events occurred between the hours 9am and 10pm. No barking events were recorded between the most sensitive 'Night' period defined by the Environment Protection Regulations 2021 (i.e. 10pm-7am). This is consistent with our instructions that the dogs are housed within the dwelling at night.

PLN/2023/17 - 7 REGAN DRIVE, ROMSEY

Tech Memorandum - Acoustic Assessment

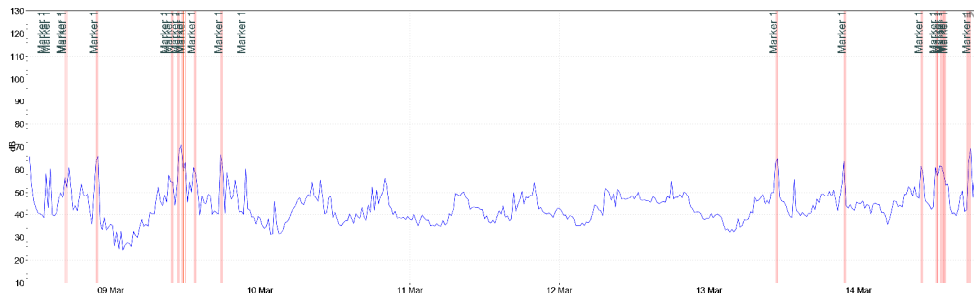
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The logged data is provided below showing 'Marker 1' as barking events identified in the recordings.



The sporadic barking observed appeared to be consistent with what normally occurs with any domestic use, noting that the recordings also indicated that a single dog was always barking and the existing five dogs on the Subject Land do not appear to bark in unison nor are they stimulated by the initial barking of a single dog. On this basis, it appears unlikely that the additional breeding dogs being applied for would result in any significant change in noise levels, where the additional dogs are managed the same and/or exhibit similar behavioural traits to the current dogs on the land.

The remaining issue is how the total number of dogs on the land is controlled so that litters and puppies cannot be retained on the site as non-breeding animals, given the probability of barking would be more likely to increase if a larger number of adult dogs are on the land. Whether or not they are breeding animals is not material to the acoustic assessment. In our experience, this can be resolved by a condition on the permit to ensure that litters and puppies cannot be retained on the site to adulthood as non-breeding animals. Regardless, our instruction from the Applicant is that litters are typically pre-sold prior to birth.

On the basis of the above assessment, we are satisfied that the additional breeding dogs can be permitted, however some conditions on the permit would be appropriate to ensure that the use is reasonably managed and so that Council has the ability to control the use through enforcement. Our recommendations for an approved permit are:

1. Dogs shall only be housed within the dwelling on the land, or alternatively within an acoustic enclosure approved by a suitably qualified acoustic consultant, between the hours 10pm-7am.

PLN/2023/17 - 7 REGAN DRIVE, ROMSEY

V1375-01-P Tech Memo - Acoustic Assessment.docm

Tech Memorandum - Acoustic Assessment

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**Advertised**

2. Feeding times shall be limited to the hours 7am-6pm on all days.
3. The permit is limited to five (5) breeding dogs and any litters or puppies shall be removed from the land prior to being classified as an adult, unless replacing a permitted breeding dog.

Please contact our office if you require anything further on this matter.

A handwritten signature in blue ink, appearing to read 'D. Tardio'.

Darren Tardio  
Director  
Enfield Acoustics Pty Ltd

PLN/2023/17 - 7 REGAN DRIVE, ROMSEY  
Tech Memorandum - Acoustic Assessment

V1375-01-P Tech Memo - Acoustic  
Assessment.docm  
4

<b>9.2</b>	<b>PLN/2023/4 - LOT 2 WEATHERLY ROAD, BOLINDA VIC 3432</b>
<b>Application Details:</b>	<b>Use and Development of a Dwelling</b>
<b>Officer:</b>	<b>Damien Hodgkins, 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><b>1. Statement of Planning Policy Assessment <a href="#">↓</a></b></li> <li><b>2. Plans <a href="#">↓</a></b></li> </ol>
Triggers for a planning permit	Farming Zone – Use and development of a dwelling and outbuilding (carport) on a lot less than 40 hectares.
Zones and Overlays	Farming Zone (Schedule 1)
No. of objectors	Nil. Three (3) letters of support.
Trigger for report to <b>the Committee</b>	Councillor Call-in.
Key Considerations	The impact of development on surrounding agricultural land and consideration of the need for a dwelling for limited agricultural use on a small lot.
Conclusion	Notice of Decision to Refuse to Grant a Permit.
Date of receipt of application:	10 January 2023

**Summary**

The proposal is for the use and development of the land for a dwelling and outbuilding (carport). The application did not provide a farm plan to demonstrate the need for a dwelling in association with an agricultural use.

The application was advertised pursuant to Section 52 (1A) of the Planning and Environment Act 1987.

Key issues to be considered relate to the impact of the proposal on surrounding agricultural land uses and the genuine need for a dwelling on the land given the limited agricultural use carried out on a small lot.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered to be non-compliant with relevant policies and provisions. It is recommended that a Notice of Decision to Refuse to Grant a Permit be issued.

**Recommendation**

**That the Committee issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application PLN/2023/4 at Lot 2 Weatherly Road, Bolinda on the following grounds:**

- 1. The proposal fails to provide adequate justification for the use and development of a dwelling on the land to support productive agricultural use that would be compatible with surrounding farming activities.**
- 2. The proposal would facilitate rural residential development in an area planned for farming purposes, contrary to Clause 02.03-1 (Settlement) and Clause 02.02-6 (Housing) of the Planning Policy Framework.**

3. The proposal would not protect agricultural land, contrary to Clause 02.03-4 (Natural Resource Management) of the Planning Policy Framework.
4. The proposal will not facilitate productive agriculture, contrary to the Rural Framework Plan at Clause 02.04 (Strategic Framework Plans) of the Planning Policy Framework.
5. The proposal for rural residential development is inappropriate in rural areas prioritised for agricultural land use, contrary to Clause 11 (Settlement) and Clause 16 (Housing) of the Planning Policy Framework.
6. The proposal would result in the fragmentation of agricultural land and does not provide justification that the dwelling is required for productive agriculture, contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework.
7. The proposal would extend the fragmentation of existing agricultural land, would remove the land from agricultural use, and would adversely affect adjoining and nearby agricultural land use, contrary to the purpose and decision guidelines of the Clause 35.07 (Farming Zone).
8. The proposal does not support agricultural land use and would conflict with settlement planning, contrary to Clause 51.07 (Macedon Ranges Statement of Planning Policy).
9. The proposal would not constitute orderly planning of the area which is contrary to Clause 65 (Decision Guidelines).

### Existing conditions and relevant history

#### Subject land

The subject land comprises a small rural battle axe lot of 5.7 hectares in area located on the western side of Weatherly Road in the locality of Bolinda. The site is 400 metres north of Bolinda Darraweit Road and 2.5 kilometres south-east of the crossroads at Monegeetta within a rural locality.

The site itself is of battle axe shape with a long narrow driveway accessing from Weatherly Road to the main rectangular shaped parcel as the western part of the land. The land comprises an open paddock that is used for growing hay, whilst hedgerows of mature conifers align the northern and eastern sides of the main body of the site and the northern side of the driveway, with two small clusters of mature trees on the north and west sides of the site. A number of sheds have been constructed in the south-eastern corner of the site mostly in very recent years along with an unusual hay bale installation around the sheds. The agricultural production conducted on this land is the limited growing of hay.

#### Surrounds

The area surrounding the subject land comprises a rural district including a mix of larger farming properties and some smaller subdivided lots, including those along Weatherly Road in close proximity of the subject land. The predominant farming activities in this area are broad acre grazing and horse keeping and training. The properties adjacent and opposite the site along Weatherly Road are properties of between 10 and 20 hectares in area that are in equine land use whilst a larger 80 hectare grazing property adjoins the subject land to the west side.

This area is relatively level being a plateau within the south-eastern area of the Shire other than where it is deeply incised by waterways including Deep Creek that aligns 2 kilometres to the north-east of the site, along with other smaller waterways in this locality.

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

Section 173 Agreement AB729368 was registered on the title of the subject land as a requirement of previous planning permit PLN/2001/730 which approved a two lot subdivision to separate the lot subject to this application from its larger parent title (31 Weatherly Road). The restrictions applied by this agreement specify that the owner of the land will not subdivide the land, and that not more than one dwelling may be constructed on each lot.

The proposal does not seek further subdivision of the land and in proposing one dwelling on vacant Lot 2 would not breach the restrictions applied by the registered Section 173 Agreement.

Previous planning permit history

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

<b>Permit No.</b>	<b>Description</b>
PLN/2001/730	Two lot subdivision – 31 Weatherly Road, Bolinda. As noted above in respect to the Section 173 Agreement applied to the title of the subject land, this permit approved the subdivision of the 20.3 hectare parent title into two lots with Lot 1 of 10.2 hectares retaining the existing dwelling on the land and Lot 2 of 5.99 hectares being the vacant battle axe lot subject to this current application. Permit granted.
PLN/2015/468	Use and development of a dwelling – Lot 2 Weatherly Road, Bolinda. Application lapsed.

**Proposal**

The proposal is for the use and development of a dwelling and outbuilding (carport) on land less than 40 hectares in area.

The dwelling would be located towards the south-western corner of the property, 50m from the western boundary and 50m from the southern boundary. The single storey dwelling would occupy a roughly square footprint extending 23.5m x 22.4m (570m<sup>2</sup>) including broad verandahs on each side with its internal floor area totalling 265m<sup>2</sup> and incorporating a living/dining/kitchen, three bedrooms, bathroom and laundry facilities. The dwelling would rise to 7.6m height at its roof apex with relatively steep roof pitch of around 27 degrees. The dwelling would be clad with medium grey rendered walls and dark grey corrugated metal roofing.

The carport would be located immediately adjacent to the dwelling on its north side and would be 81m from the northern boundary at its closest point. The carport would comprise a simple roof with posts construction atop a concrete slab and would occupy a footprint of 6.8m x 6.8m (46.2m<sup>2</sup>) and would rise to 2.9m maximum height for its flat roof.

Minor earthworks would be required to level the development area for the dwelling and carport (up to 400mm of fill). A driveway would extend along the northern side of the site before turning to access the dwelling in the rear half of the property. Effluent treatment areas are proposed to the south east side of the dwelling.

**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
02.01	Context
02.02	Vision
02.03	Strategic Directions
02.04	Strategic Framework Plans
11	Settlement
13	Environmental Risks and Amenity
14	Natural Resource Management
16	Housing

Zoning

Clause no.	Clause name
35.07	Farming Zone (FZ)

Overlay

Clause no.	Clause name
Nil	

Particular provisions

Clause no.	Clause name
51.07	Macedon Ranges Statement of Planning Policy

General provisions

Clause no.	Clause name
65.01	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

	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> ?	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

Authority (Section 55)	Response
Nil	

Authority (Section 52)	Response
Agriculture Victoria	Advised of concerns as to the appropriateness of the proposed dwelling given the lack of information submitted to justify the proposal in respect to the Farming Zone and relevant policies relating to protection of agricultural land and promotion of productive agriculture.
MRSC Engineering	No objection, subject to conditions.
MRSC Health	No objection, subject to conditions.

Advertising

The application was advertised pursuant to Section 52 (1A) of the Planning and Environment Act 1987 by way of a sign being posted on the subject land and by mailed notices to the owners and occupiers of surrounding properties.

No objections were received in response to notice being given. Three submitters provided letters of support for the proposal.

**Officer assessment**

Planning History of Subject Land and Section 173 Agreement

Planning permit PLN/2001/730 was granted for 31 Weatherly Road, Bolinda in 2002 to subdivide a larger parent property into two lots, Lot 1 retaining the existing dwelling on the 10.2 hectare parcel remaining addressed as 31 Weatherly Road and Lot 2 being the battle axe parcel subject to this current application totalling 5.99 hectares in area. A condition of that permit required a Section 173 Agreement to be entered into that precluded further subdivision of the land as well as the development of more than one dwelling on each of the subdivided lots. The Agreement was entered into in accordance with the permit requirements and remains registered on the title of the subject land at this time.

As noted earlier in respect to the provisions of this Section 173 Agreement, the proposal is consistent with its provisions in seeking no more than one dwelling on the subject land. It is important to note however that the agreement does not provide any surety or rights for the development of a dwelling on the land.

The Agreement does not prohibit this application for one dwelling but it also does not override the relevant policies and provisions of the Macedon Ranges Planning Scheme that apply to this planning permit application to which the proposal is contrary as discussed elsewhere in this assessment.



### Planning Policy Framework

Planning policies seek to support and enhance agricultural pursuits by ensuring future development, particularly residential development, does not result in the permanent removal of productive agricultural land or inhibit the continuation and development of existing agricultural uses. These objectives are reiterated in the purpose of the Farming Zone.

The Planning Policy Framework (PPF) strongly discourages fragmentation and loss of productive agricultural land. The policies seek to protect Victoria's agricultural base as an important component of the State's economy. Recurring themes throughout the PPF including the prevention of dispersed settlement in rural areas, avoiding fragmentation of agricultural land, and discouraging land uses that are incompatible with agriculture as the primary land use.

Clause 02.03-4 (Natural Resource Management – Agriculture) has following relevant strategic directions for agriculture:

- *Protect agricultural land to support the continuation of agricultural activity.*
- *Support sustainable, productive agriculture within the Northern Catchments and Agricultural Landscapes areas identified on the Rural Framework Plan in Clause 02.04.*
- *Continue to use land within the Agricultural Landscapes area for grazing animal production and crop raising.*

Clause 14.01-1S, relating to the protection of agricultural land aims “to protect the state's agricultural base by preserving productive farmland”. This policy states that in considering a proposal to develop agricultural land, the following factors must be considered:

- *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *Land capability.*

Clause 14.01-1L (Protection of agricultural land – Macedon Ranges) has following relevant strategies to the proposal:

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

Collectively these policies place great emphasis on the importance of protecting existing agricultural land from inappropriate development that would permanently remove the land from agricultural use. The policy requires for such applications to demonstrate a clear nexus between development of farmland and ongoing productive use of agriculture, to protect against loss of agricultural land.

It is also the intent of relevant planning policy to encourage consolidation of existing rural settlements rather than facilitating dispersed and isolated development. The associated strategies are intended to protect land for agriculture and to ensure that housing development is limited to that which is required to improve agricultural production.

In *Morabito v Macedon Ranges SC* [2018] VCAT 1313, Tribunal Member Rundell discussed the importance of agricultural policies while considering the proposal for dwelling in Farming Zone:

*“The reasons behind the policies include not having agricultural land removed from production because it would be used as a dwelling. The policies also aim to prevent smaller agricultural lots being used as rural lifestyle lots because such use fragments, or prevents the consolidation of smaller lots into larger agricultural holdings that can be used as viable agricultural businesses. Ad hoc incremental development of small lots for dwellings can encourage land values to rise, thereby making consolidation of agricultural lots more difficult. Dwellings may also be incompatible with agricultural activities on adjoining and nearby land. At the core of the above strategies is the proposition that agricultural land (particularly land with good quality soils) is a rare and valuable resource that needs to be preserved for agriculture in the long term”.*

Clause 16.01-3S aims *“to identify land suitable for rural residential development”*. The relevant strategies associated with this objective also aim to:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Ensure planning for rural living avoids or significantly reduces adverse economic, social and environmental impacts by:*
  - *Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.*
  - *Discourage development of small lots in rural zones for residential use or other incompatible uses.*

Clause 16.01-3L (Rural residential development - Macedon Ranges) includes a strategy relevant to the proposal:

- *Limit residential development of rural land that is not in a Rural Living Zone, unless related to the use of land for agriculture or other compatible economic development activities.*

The use of the subject site for a dwelling is clearly inconsistent with this policy as it would remove land from agriculture and would conflict with the carrying out of current and future agricultural activities to be carried out on surrounding land in an area specifically designated for farming purposes.

No farm management plan has been submitted to justify the need for a dwelling on the site and this will be discussed in detail under the zone consideration. Without a farm management plan it is difficult to say that the dwelling relates to a genuine need to facilitate agriculture. It seems unlikely that a farm management plan could be prepared that could

justify the proposed dwelling as being necessary for the carrying out of a viable agricultural pursuit on this property as a small parcel on its own.

In this instance, the proposed dwelling cannot be considered as consistent with policy in relation to rural and regional development, particularly where such development is explicitly discouraged. The application fails to sufficiently demonstrate the need for a dwelling as a secondary component to a productive agricultural use. Instead the dwelling would become the primary use of the subject land and approval of this proposal would result in a permanent change of land use away from viable agricultural activity. This land use change would also conflict with agricultural activities being carried out within the surrounding locality. The proposal does not support the general principle to support the consolidation and enhancement of rural land.

The proposal is clearly contrary to relevant Planning Policy Framework relating to settlement, agriculture and land use compatibility (amongst others).

### Farming Zone

The purpose of the Farming Zone is to provide land for agriculture, retain productive agricultural land and to ensure non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

The Farming Zone sets out the following relevant decision guidelines in relation to the proposal:

- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*
- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*
- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*

The main themes of the decision guidelines listed above that are relevant to this application are whether a proposal supports ongoing viable agriculture on the subject land, and whether it avoids potential conflict and incompatibility with the productive agricultural use of surrounding land. The use and development of a dwelling on land within the Farming Zone should support the viable use of the land for productive agriculture rather than removing land from agricultural production, whilst surrounding productive agricultural land use should similarly avoid being compromised by a proposal for residential development.

The subject land is relatively small in context of the Farming Zone where the standard minimum lot size for subdivision and as-of-right allowance for the use and development of land for a dwelling is 40 hectares. The agricultural use of the subject land as carried out at present and as proposed to continue subsequent to the development of a dwelling is for the growing and harvesting of hay (crop raising), an agricultural use that is exempt from permit and which is entirely consistent with the purpose of this zone.

The viability of this parcel for viable agriculture would be diminished by the proposal, by the location of the dwelling near the rear of the site resulting in an extensive driveway length which along with the area to be occupied by the dwelling and effluent treatment areas in conjunction with undefined domestic garden areas around the dwelling. The western setback areas that would not likely remain in use for cropping by being isolated from the remainder of the site by the development layout. The proposal would remove a significant proportion of an already limited site area from productive agricultural use.

The necessity of a dwelling being developed on the land to support the existing agricultural land use has not been demonstrated. The subject land is not extensive and the agricultural use for crop raising at this scale does not require permanent occupation of the land. The agricultural use of the land is and has been carried out without the owner residing on the land, and this situation would be reasonable to continue. There are townships and rural residential areas proximate to the subject land from which any travel time would not be onerous at times where management of the agricultural use of the land is to be carried out.

In *Plenty Investments Pty Ltd v Macedon Ranges SC* [2016] VCAT 864, Member Harty emphasised the importance of a farm management plan for applications in the farming zone by making following comments on an application where no farm plan was provided by commenting:

*“Under the FZ, the statewide standard minimum lot size of 40ha has been used primarily because it represents a size that is sufficiently versatile to be used for a variety of common agricultural pursuits and in a manner that does not degrade the condition of the land” ... “such proposals are accompanied by whole farm plans or land management plans that details the nature of how the land is to be farmed and managed”.*

The small dimensions of the subject land at 5.7 hectares represents only 14% of the standard 40 hectare parcel size outlined as being considered to be viable for meaningful agriculture without the need to be supported by whole farm plans that demonstrates the reasonable viability of an agricultural activity that necessitates residential occupation of the land for its functioning.

The decision guidelines of the Farming Zone include a requirement to consider ‘any integrated land management plan prepared for the site’. The applicant has declined to provide a farm management plan in support of this proposal, where the decision guidelines for the zone outlined above include a requirement to consider any integrated land management plan prepared for the site. In the absence of a farm management plan the proposal fails to demonstrate that residential occupation of the land is necessary for the carrying out of ongoing productive agriculture in accordance with the purpose and decision guidelines of the Farming Zone.

The many other options available to ensure the ongoing retention of the subject land in viable agricultural use includes consolidation with surrounding properties. Although the land was previously subdivided into a relatively small parcel it does remain in agricultural production, the development of a dwelling would reinforce the loss and fragmentation of productive agricultural land rather than facilitate its ongoing viability for agricultural use whether maintained in its current state or integrated with surrounding farming properties.

The application has not demonstrated in any way how the existing agricultural use and management of the land would be improved. The proposal would reduce the agricultural potential of the land and would conflict with the existing and future agricultural operation of surrounding properties. Rural residential development in a farming district may conflict with the reasonable carrying out of farming activities that include impacts of odour, noise and otherwise that is not compatible with standard residential amenity, and would limit the possibility of future agricultural activities.

Approval of this proposal would set a precedent for further rural residential use and development of smaller parcels in this locality that would adversely impact upon the viability of this locality for continuing farming activities as well as fragmenting and denying land from farming viability for each dwelling to be developed.

There is significant provision of Rural Living Zone land within the Shire that is the primary zoning for the rural residential use and development that is proposed by this application. Instead this application proposes rural residential development in a Farming Zone without a meaningful agricultural or rural land use for the carrying out of which a dwelling can be demonstrated as being necessary and which therefore conflicts with the intent of this zone.

Agriculture Victoria has provided specialist advice in response to referral of the application that the proposal does conflict with the relevant policies and provisions of the Macedon Ranges Planning Scheme in addition to comparable VCAT cases for which dwellings in the Farming Zone that were not supported by the Tribunal. Agriculture Victoria has advised that the proposal is contrary to the Farming Zone and that refusal of the application would be consistent with related decisions by the Tribunal denying similar rural residential proposals.

#### **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.

#### **Conclusion**

The proposal is not consistent with the relevant policy framework and provisions of the Macedon Ranges Planning Scheme that encourage the protection and retention of productive agriculture and discourage non-agricultural land uses including dwellings that would adversely affect agriculture as the primary use promoted by the Farming Zone.

The proposed dwelling would further limit the viability of the subject land for productive agriculture and would likely result in the loss of the land from this activity in favour of purely rural residential occupation, which would then conflict with the viability of existing and future agricultural land uses carried out on surrounding properties.

This application is not supported by the Macedon Ranges Planning Scheme and should therefore be refused.

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

Objective quote)	Objective in the SoPP Strategies to deliver the objective (Direct quote)	Direct Meets	number	(Direct quote)	Does not meet	N/A	Planner's Comment
1	To ensure the declared area's natural and cultural landscapes are conserved and enhanced.					N/A	
				Manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced.			
				Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.			
				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					N/A	No native vegetation will be removed to facilitate the proposal.
				Conserve and enhance high-value native vegetation and biodiversity and their ecological integrity by undertaking responsible environmental management, planning, procedures and practices.			
				Utilise appropriate historical ecological knowledge and practices from Traditional custodians of the land in the management of biodiversity and ecological and environmental values.			
				Encourage ecological restoration works in areas of identified state, regional and locally significant biodiversity value			
				Establish and improve bio links to connect high-value ecological areas, including areas along waterways and areas within and between towns.			

		Minimise the effects of weeds and pest animals on biodiversity values by establishing and implementing best practice land management plans.				
--	--	---	--	--	--	--

Objective quote)	Objective in the SoPP quote) not	Strategies to deliver the objective (Direct	Meets	Does	N/A	Planner's Comment number (Direct
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.					N/A The subject site is not located within a Special Water Supply Catchment Area.
		Protect water quality and natural systems by discouraging development that contributes to the degradation of water quality and quantity.				
		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.				
		Reinforce the role of waterways as biodiversity Linkages and as corridors for native plants and animals.				
		Ensure water supply and land use planning policies are integrated, to realise efficiencies in regional catchment management and best practice, water-sensitive urban design.				
		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.				
		Review and improve regulation and monitoring of groundwater licences and surface water diversions.				
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 subject site is not located within an area of Aboriginal cultural sensitivity. A Cultural Heritage Management Plan is not required.

		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.				
		With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible				

Objective quote)	Objective in the SoPP quote) not	Strategies to deliver the objective (Direct Meets Does N/A	Planner's Comment number (Direct
		meet	
		Aboriginal cultural values, heritage and knowledge when planning and managing land use and development, water and other environmental resources.	
5.	To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.		
		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.	
6.	To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.	Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.	
			X
			The proposal does not meet this objective as a dwelling is proposed on an agricultural land. The proposal is would not enhance the agricultural capacity of the land.  The proposal demonstrates no nexus between agricultural land use and the necessity of a dwelling as well as how a dwelling would be ancillary or secondary to agricultural pursuits.
			X



		Encourage the use of rural-zoned land for agricultural purposes and encourage the use of high-quality soils for soil-based agriculture.				The proposal will not meet this strategy as the proposed use will be residential and will be unable to support agricultural use on site.  No farm management plan has been submitted to justify the dwelling.
		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).		X		No viable agricultural use has been proposed.

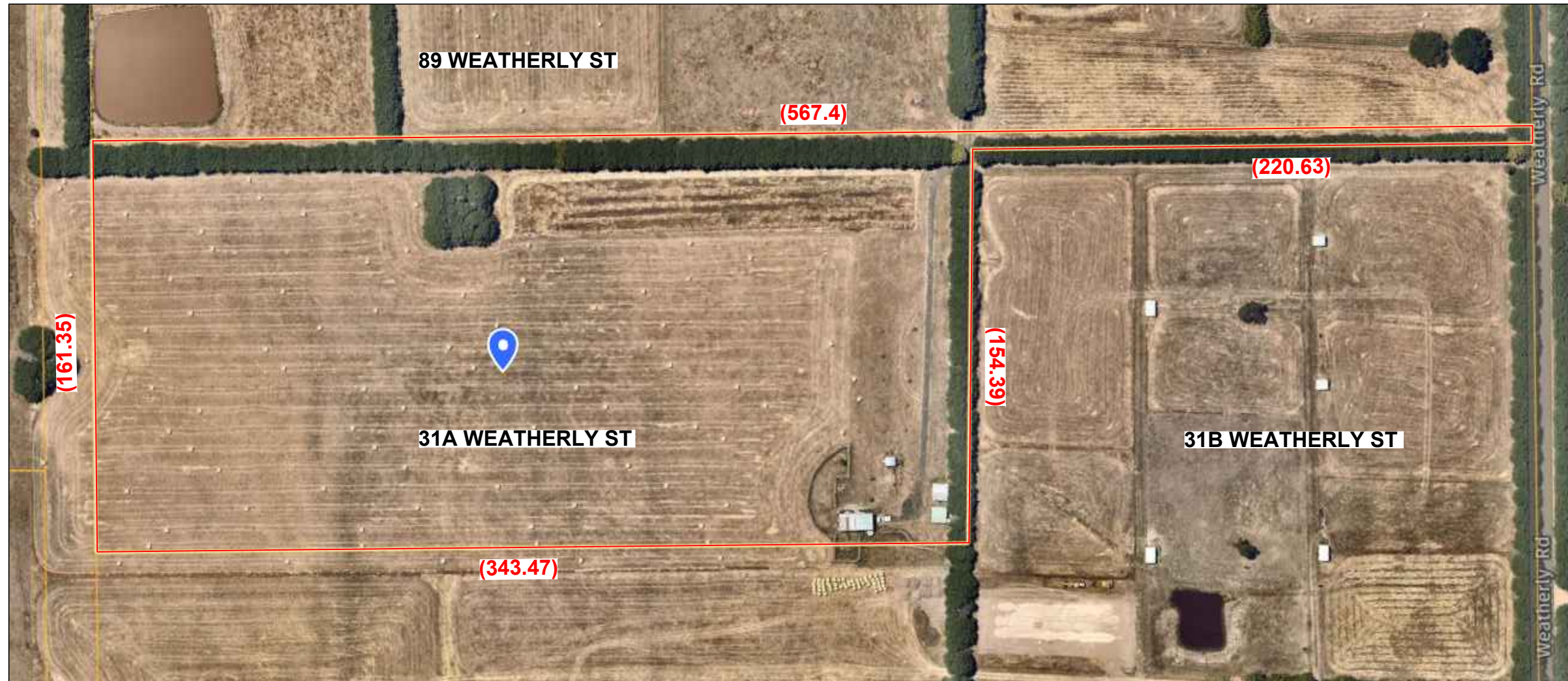
Objective quote)	Objective in the SoPP quote) not	Strategies to deliver the objective (Direct Meets Does N/A	Planner's Comment number (Direct
		Support agricultural practices that improve soil health and respond to and encourage adaptation to climate change.	meet X
		Encourage measures to ensure agricultural practices protect and enhance soil quality, water quality, biodiversity and native plants and animals.	X
		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.	X
		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.	To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.		N/A

		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.				
		Facilitate tourism-related land use and development that encourages people to recognise and understand Aboriginal and post-contact cultural heritage.				
		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.				
		Protect the unique rural character of towns in the declared area.				
8.	To plan and manage growth of settlements in the declared area consistent with protection of the area's significant				N/A	The site is not located adjacent to any significant landscape and no vegetation will be removed.

Objective quote)	Objective in the SoPP quote) not	Strategies to deliver the objective (Direct Meets Does N/A	Planner's Comment number (Direct
	landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.		meet
		Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.	
		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).	
		Encourage infill development that respects the townships' character.	
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.	
		Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.	

		Encourage provision of an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services.				
		Encourage the use of voluntary Cultural Heritage Management Plans.				
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.				N/A	
		Provide timely infrastructure and services to meet community needs in sequence with development.				
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.				
<b>Objective number</b>	<b>Objective in the SoPP (Direct quote)</b>	<b>Strategies to deliver the objective (Direct quote)</b>	<b>Meets</b>	<b>Does not meet</b>	<b>N/A</b>	<b>Planner's Comment</b>
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.				
		Maintain view lines of state-significant landscape features from the main road and rail transport corridors.				
		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.				
		Ensure equitable access to community infrastructure.				
		Encourage the use of active and public transport by planning infrastructure and facilities in accessible locations, and improve walking and cycling routes.				
10.			✓			

	Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.				
		Support community and government planning for disaster preparedness and climate resilience.			N/A
		Manage bushfire risks while also retaining valued biodiversity and landscape character.	✓		The site is located within bushfire prone area however it could meet the bushfire measures.
		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



1 LOCALITY PLAN



**ELEVATION ONE BUILDING DESIGN**  
 Suite 111, 91-95 Murphy St, Richmond, Vic 3121  
 m.0418 411 172

Check and verify all dimensions prior to commencement of work. This drawing shall be read in conjunction with all other contract documents including those by other consultants and including specifications. Seek clarification of inconsistencies/conflicts. Figured dimensions shall take precedence to scaled dimensions.  
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REVISION HISTORY

REV	DATE	NOTES
A	29/05/2023	DISSEMINATION INFORMATION
B	05/06/2023	CARPENTRY ADDITION
C	06/06/2023	EXTENT OF WORK ADDED

**PROJECT:**  
 PROPOSED DWELLING + EXISTING SHEDS

31 WEATHERLY RD, BOLINDA

**CLIENT:**  
 WENDY SYMONS



**NORTH POINT**

**DRAWING NAME:**  
 LOCALITY PLAN

**PROJECT NO:**  
 E123-009

**DATE:**  
 15-03-2023

**DESIGNER:**  
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**DRAWN BY:**  
 JS

**SCALE:**  
 N/A

**PRINT SCALE:**  
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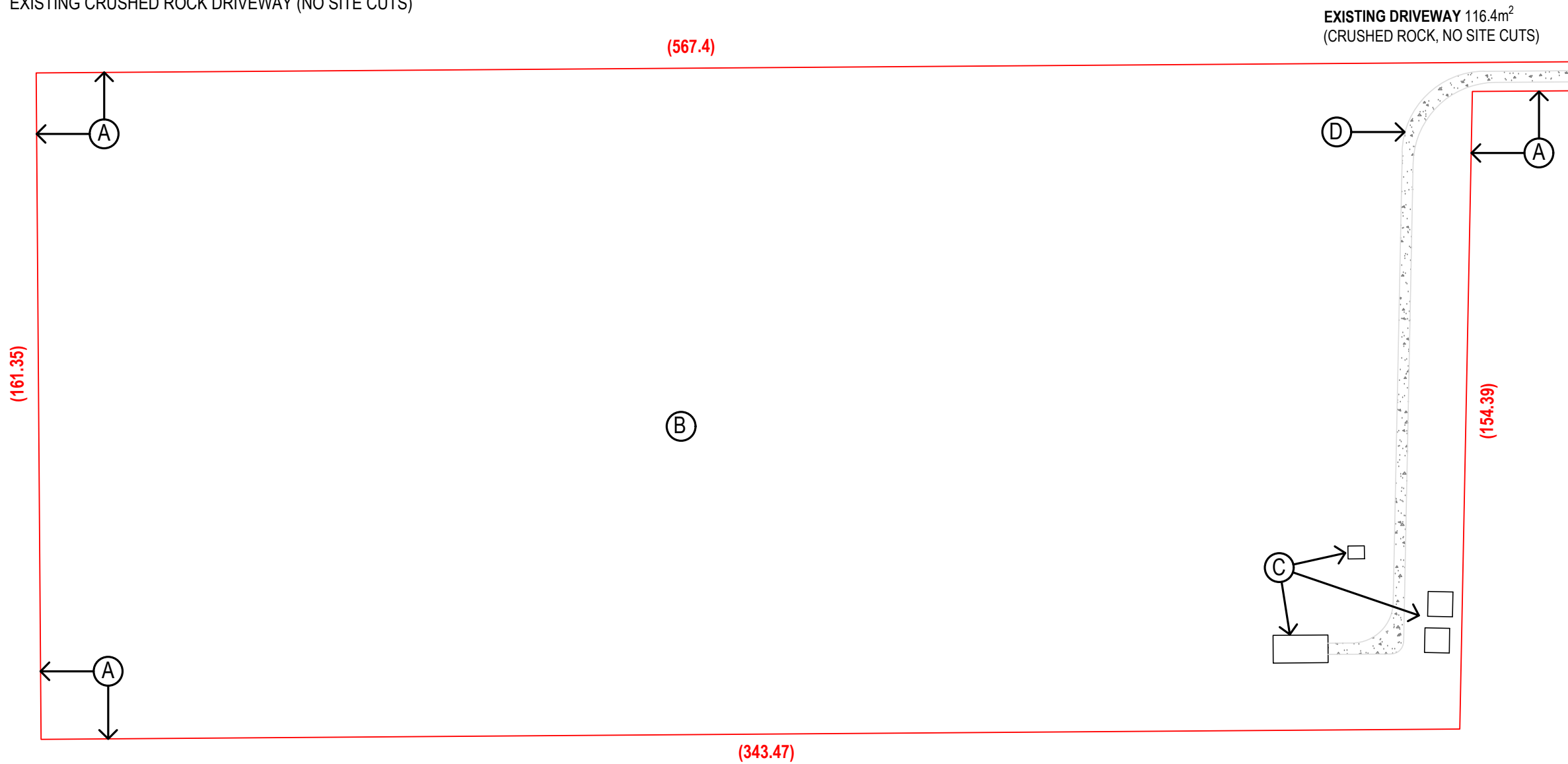
**LAYOUT ID:**  
**A-01**

**REVISION:**  
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**LEGEND:**

- (A) EXISTING WIRE FENCE
- (B) LAWN / GRASSED AREA
- (C) EXISTING SHEDS LOCATION
- (D) EXISTING CRUSHED ROCK DRIVEWAY (NO SITE CUTS)

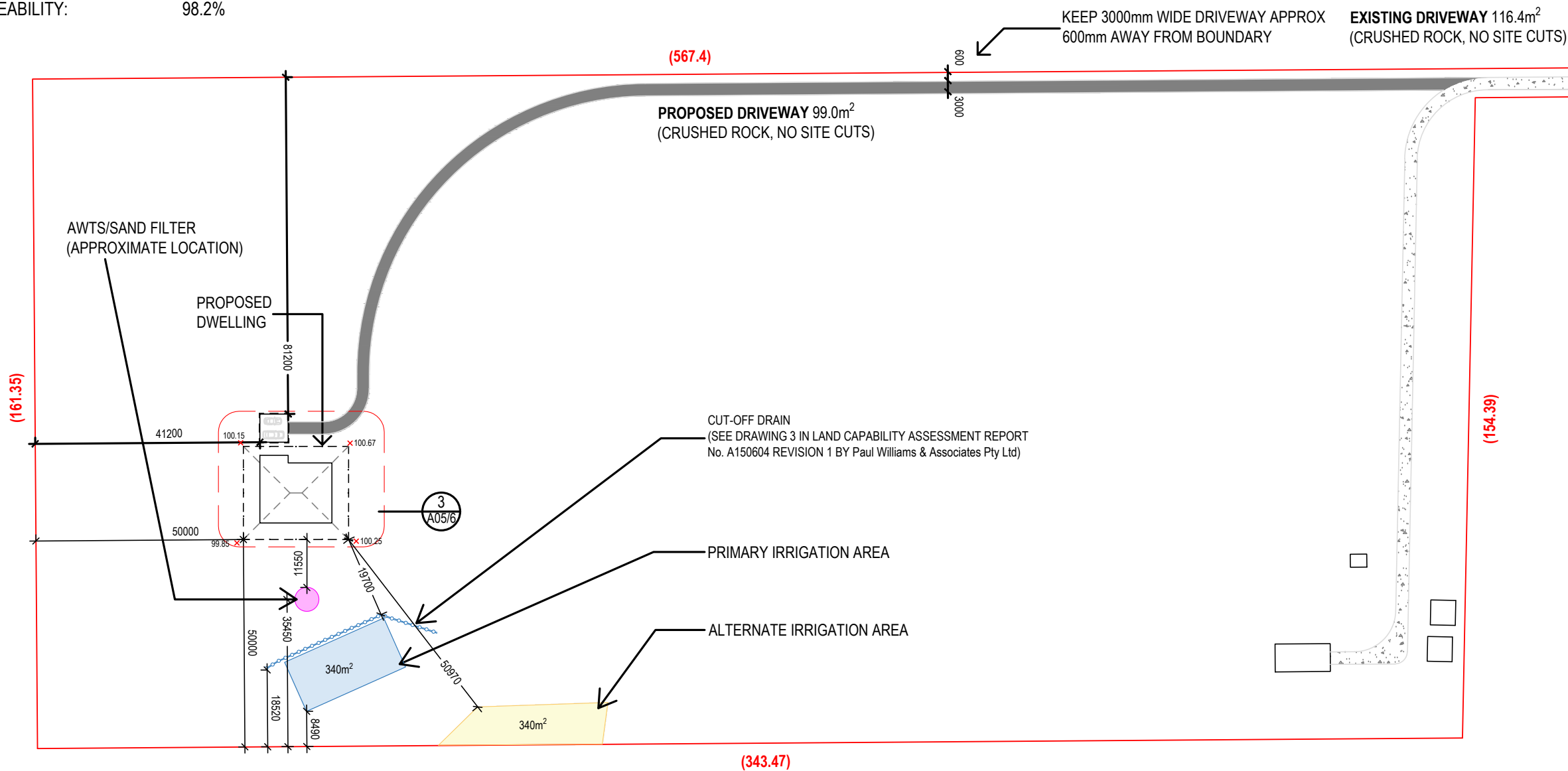


**2** SITE PLAN  
EXISTING CONDITIONS

	<b>ELEVATION ONE BUILDING DESIGN</b> Suite 111, 91-95 Murphy St, Richmond, Vic 3121 m.0418 411 172	<b>REVISION HISTORY</b> <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>NOTES</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>29/05/2023</td> <td>DISSEMINATION INFORMATION</td> </tr> <tr> <td>B</td> <td>05/06/2023</td> <td>CARPENTRY ADDITION</td> </tr> <tr> <td>C</td> <td>06/06/2023</td> <td>EXTENT OF WORKS ADDED</td> </tr> </tbody> </table>	REV	DATE	NOTES	A	29/05/2023	DISSEMINATION INFORMATION	B	05/06/2023	CARPENTRY ADDITION	C	06/06/2023	EXTENT OF WORKS ADDED	<b>PROJECT:</b> PROPOSED DWELLING + EXISTING SHEDS		<b>DRAWING NAME:</b> EXISTING SITE PLAN			<b>LAYOUT ID:</b> <b>A-02</b>
	REV	DATE	NOTES																	
A	29/05/2023	DISSEMINATION INFORMATION																		
B	05/06/2023	CARPENTRY ADDITION																		
C	06/06/2023	EXTENT OF WORKS ADDED																		
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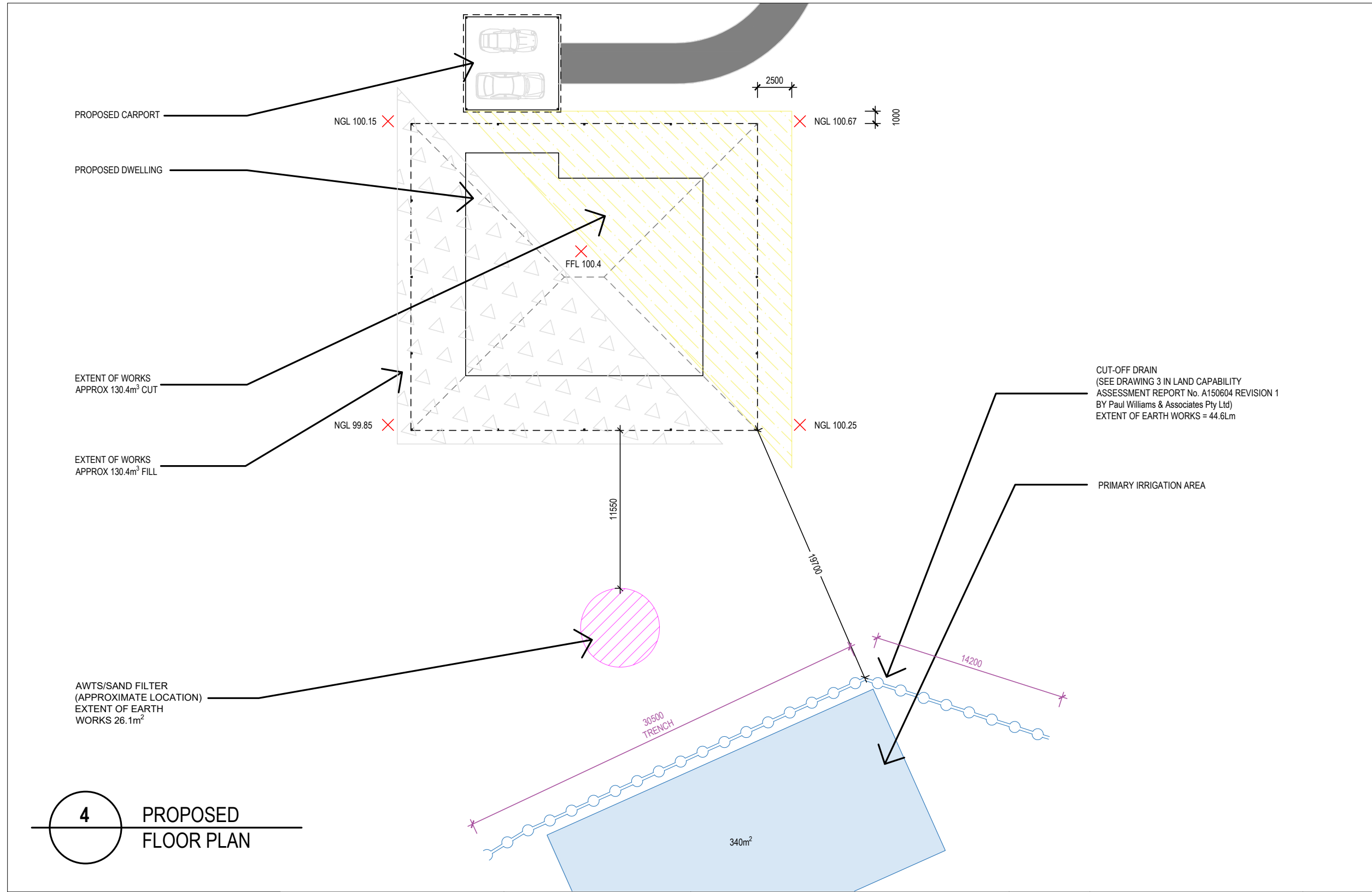
**SITE AREA CALCULATIONS:**  
 SITE AREA: 57314.1m<sup>2</sup>  
 EXISTING BLDGS: 168.3m<sup>2</sup>  
 PROPOSED BLDGS: 615.3m<sup>2</sup>  
 TOTAL BLDGS: 783.6m<sup>2</sup>  
 SITE COVERAGE: 1.8%  
 PERMEABILITY: 98.2%

LAND CAPABILITY ASSESSMENT  
 REPORT No. A150604 REVISION 1, MAY 2023  
 BY Paul Williams & Associates Pty Ltd



**3** SITE PLAN PROPOSED

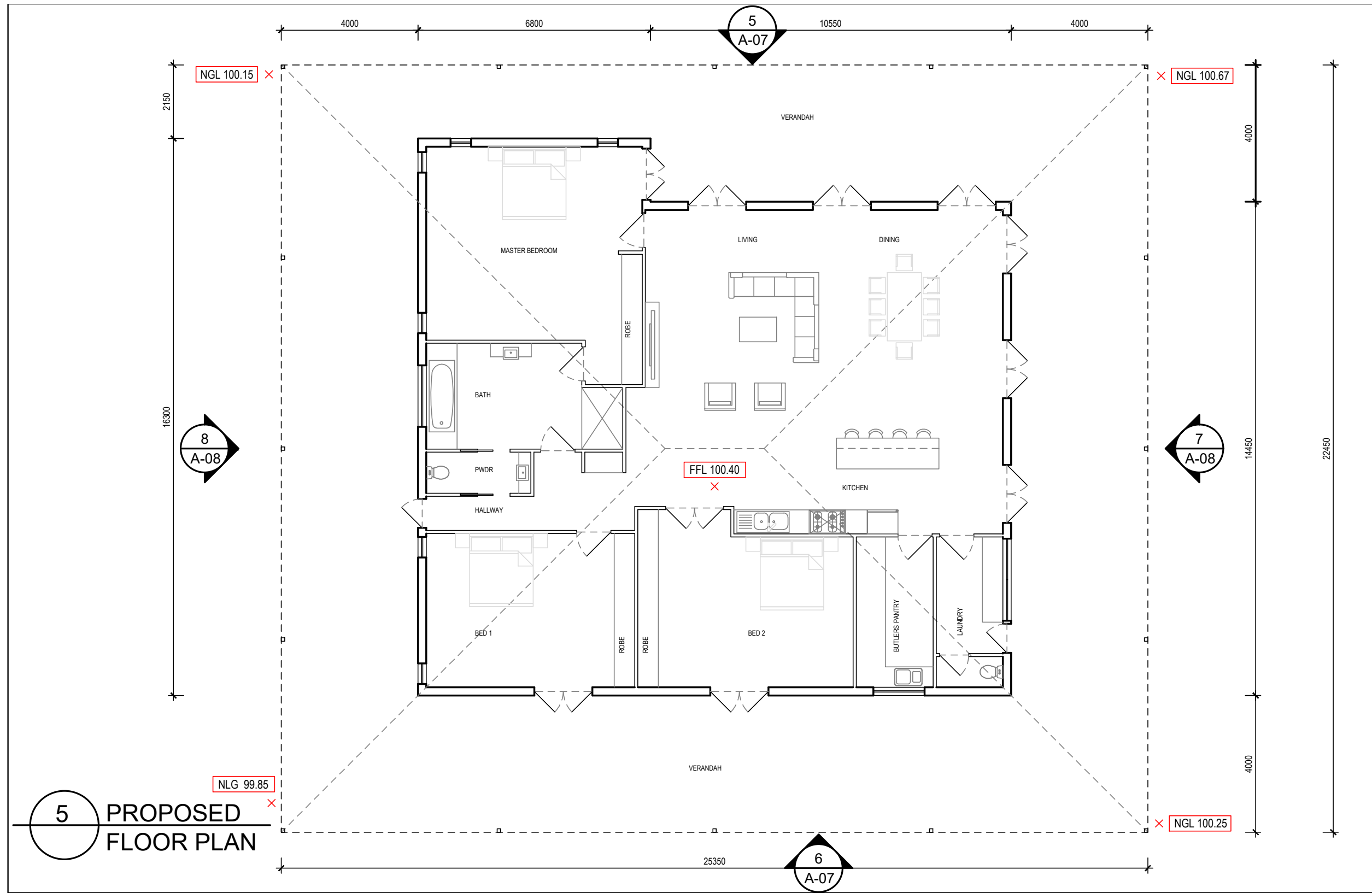
	<b>ELEVATION ONE BUILDING DESIGN</b> Suite 111, 91-95 Murphy St, Richmond, Vic 3121 m.0418 411 172	<b>REVISION HISTORY</b> <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>NOTES</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>29/05/2023</td> <td>ISSUATION INFORMATION</td> </tr> <tr> <td>B</td> <td>05/06/2023</td> <td>CARPENTRY ADDITION</td> </tr> <tr> <td>C</td> <td>06/06/2023</td> <td>EXTENT OF WORKS ADDED</td> </tr> </tbody> </table>	REV	DATE	NOTES	A	29/05/2023	ISSUATION INFORMATION	B	05/06/2023	CARPENTRY ADDITION	C	06/06/2023	EXTENT OF WORKS ADDED	<b>PROJECT:</b> PROPOSED DWELLING + EXISTING SHEDS		<b>DRAWING NAME:</b> EXISTING SITE PLAN	<b>LAYOUT ID:</b> <b>A-03</b>
	REV	DATE	NOTES															
A	29/05/2023	ISSUATION INFORMATION																
B	05/06/2023	CARPENTRY ADDITION																
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<b>PROJECT NO:</b> E123-009	<b>DESIGNER:</b> ---	<b>SCALE:</b> 1:1000																
<b>DATE:</b> 15-03-2023	<b>DRAWN BY:</b> JS	<b>PRINT SCALE:</b> ---																



**4** PROPOSED FLOOR PLAN

	<b>ELEVATION ONE BUILDING DESIGN</b> Suite 111, 91-95 Murphy St, Richmond, Vic 3121 m.0418 411 172	<b>REVISION HISTORY</b> <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>NOTES</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>29/05/2023</td> <td>ISSUANCE INFORMATION</td> </tr> <tr> <td>B</td> <td>05/06/2023</td> <td>CARPORT ADDITION</td> </tr> <tr> <td>C</td> <td>06/06/2023</td> <td>EXTENT OF WORKS ADDED</td> </tr> </tbody> </table>	REV	DATE	NOTES	A	29/05/2023	ISSUANCE INFORMATION	B	05/06/2023	CARPORT ADDITION	C	06/06/2023	EXTENT OF WORKS ADDED	<b>PROJECT:</b> PROPOSED DWELLING + EXISTING SHEDS		<b>DRAWING NAME:</b> PROPOSED SITE WORKS	<b>LAYOUT ID:</b> <b>A-04</b>
	REV	DATE	NOTES															
A	29/05/2023	ISSUANCE INFORMATION																
B	05/06/2023	CARPORT ADDITION																
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<b>DATE:</b> 15-09-2023	<b>DRAWN BY:</b> JS	<b>PRINT SCALE:</b> ---																
<b>REVISION:</b> ---																		





**5 PROPOSED FLOOR PLAN**

**ELEVATION ONE BUILDING DESIGN**

**ELEVATION ONE BUILDING DESIGN**  
 Suite 111, 91-95 Murphy St, Richmond, Vic 3121  
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REV	DATE	NOTES
A	25/05/2023	DISSEMINATION INFORMATION
B	05/06/2023	CARPORAT ADDITION
C	06/06/2023	EXTENT OF WORK ADDED

**PROJECT:**  
 PROPOSED DWELLING + EXISTING SHEDS

31 WEATHERLY RD, BOLINDA

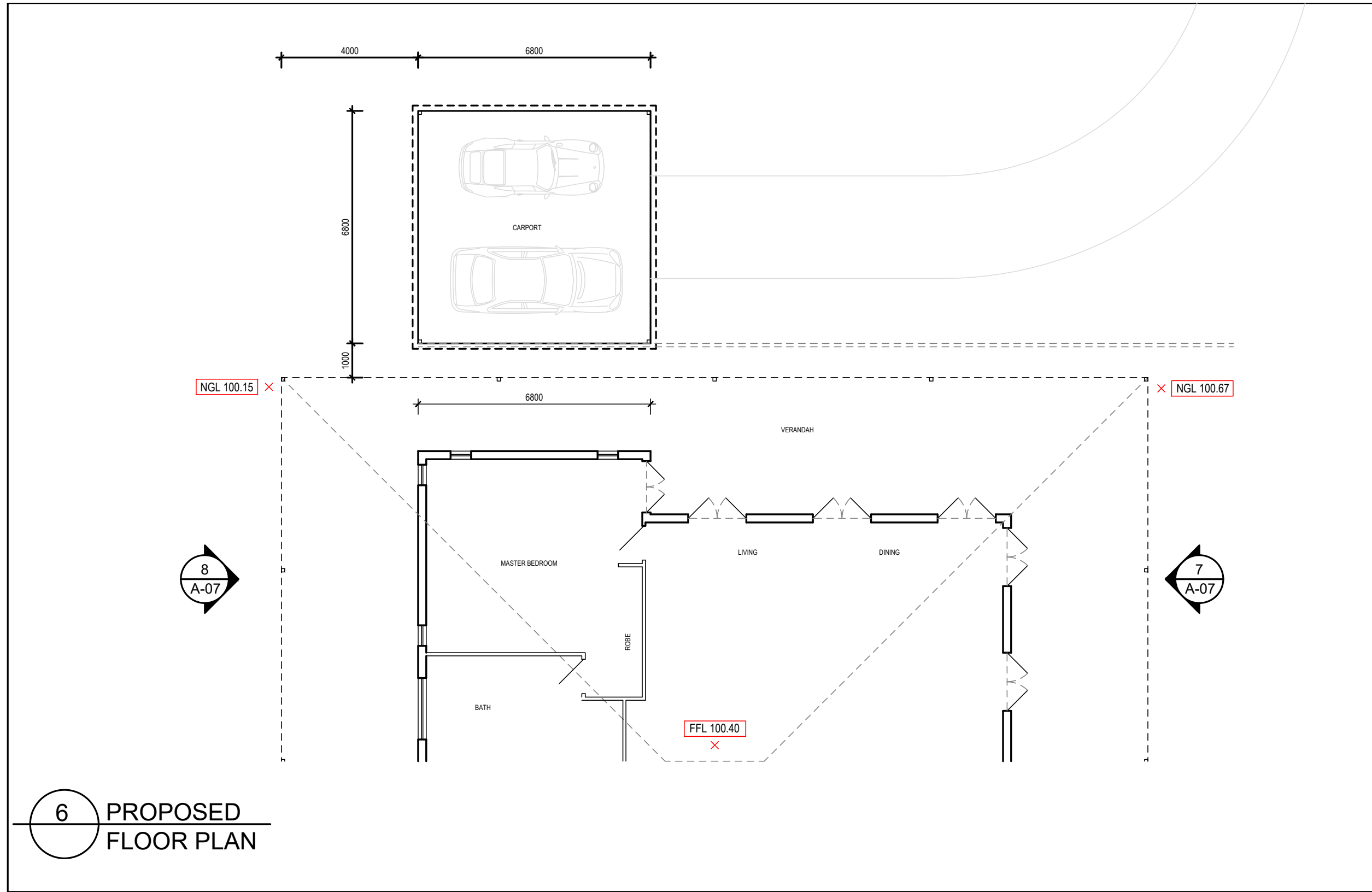
**CLIENT:**  
 WENDY SYMONS



<b>DRAWING NAME:</b> PROPOSED DWELLING FLOOR PLAN A-03		
<b>PROJECT NO:</b> E123-009	<b>DESIGNER:</b> ---	<b>SCALE:</b> 1:100
<b>DATE:</b> 15-03-2023	<b>DRAWN BY:</b> JS	<b>PRINT SCALE:</b> ---

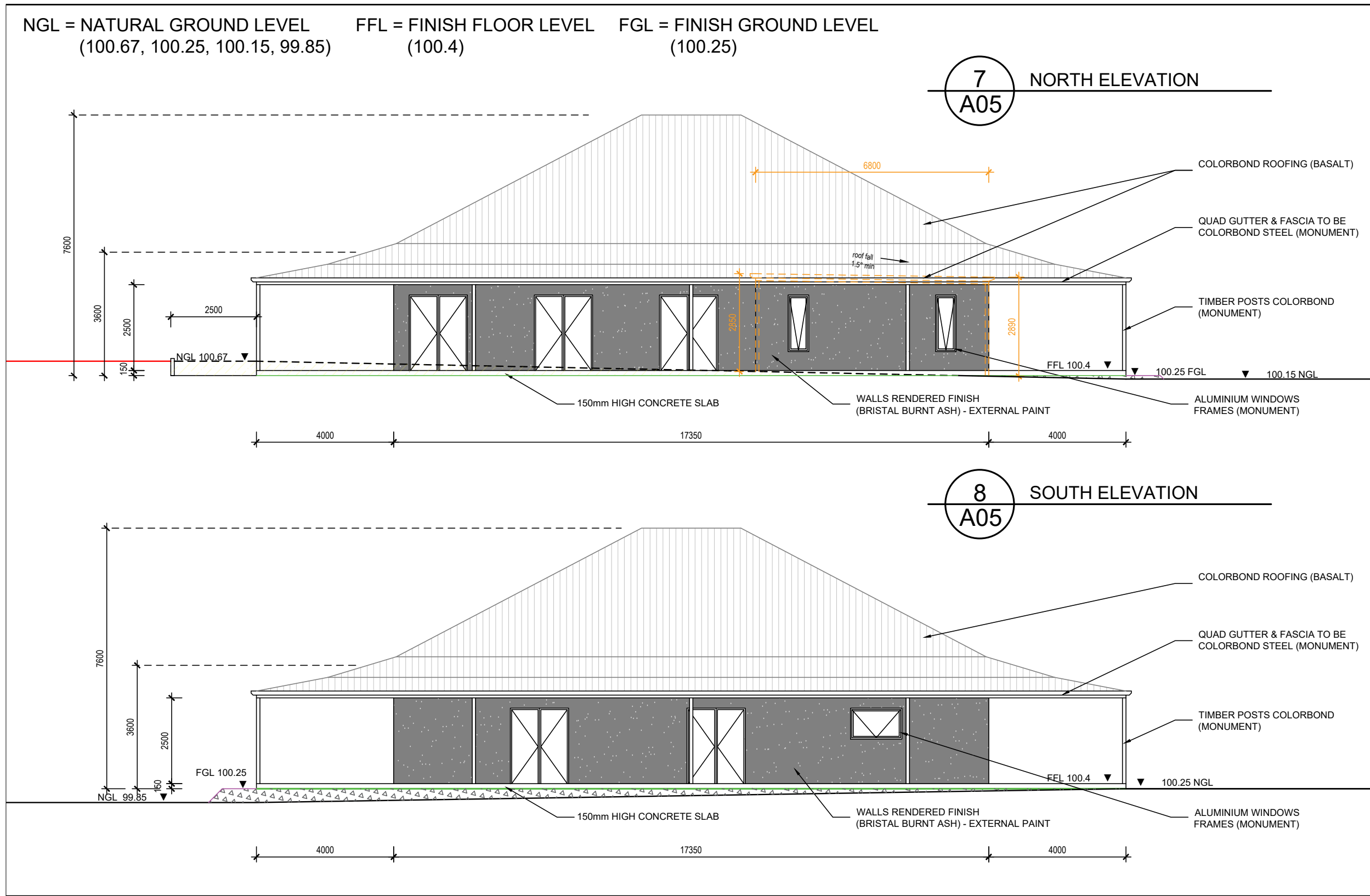
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**REVISION:**  
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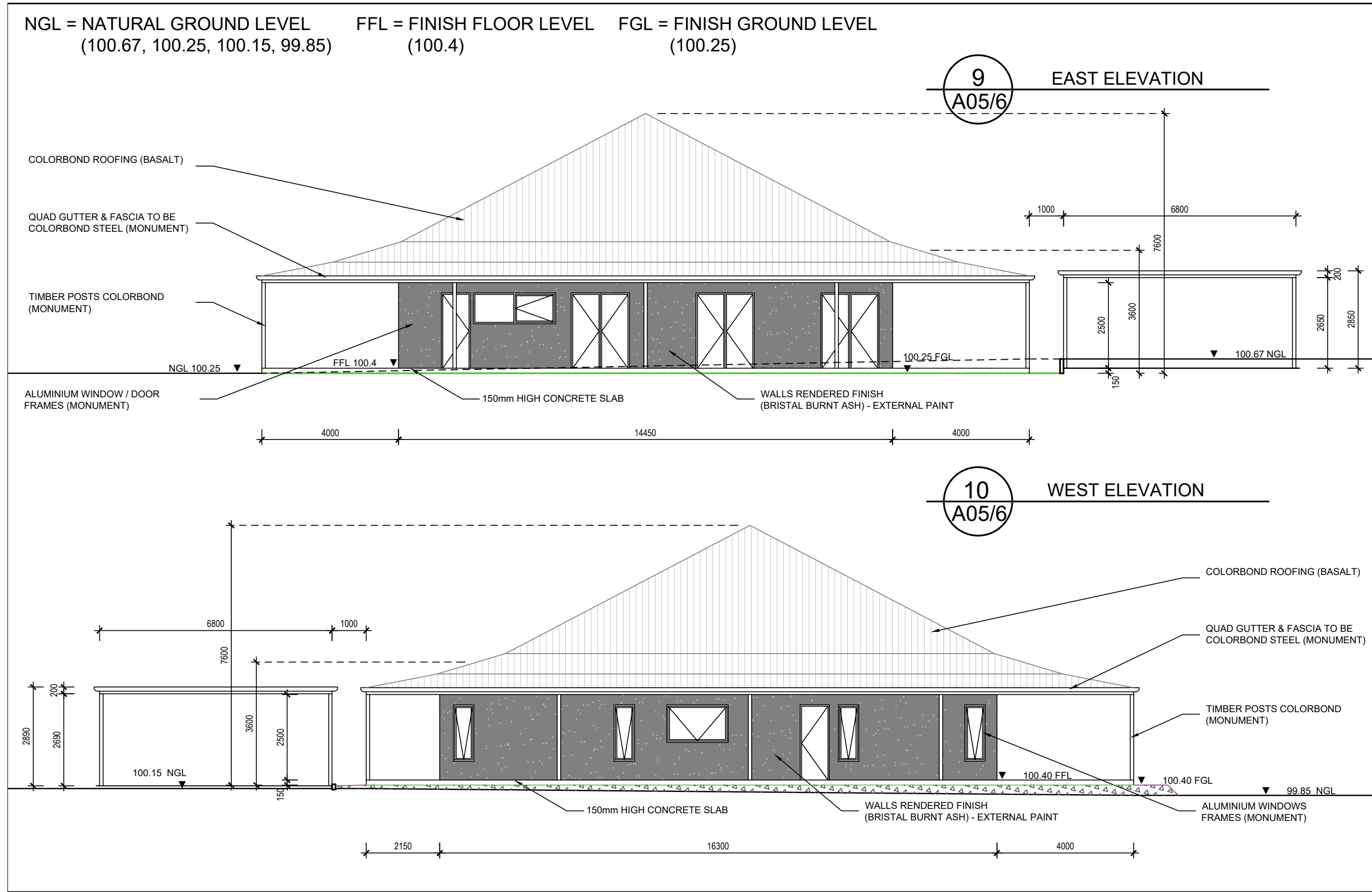


6 PROPOSED FLOOR PLAN

	<b>ELEVATION ONE BUILDING DESIGN</b> Suite 111, 91-95 Murphy St, Richmond, Vic 3121 m.0418 411 172	<b>REVISION HISTORY</b> <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>NOTES</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>29/05/2023</td> <td>DISSEMINATION INFORMATION</td> </tr> <tr> <td>B</td> <td>05/06/2023</td> <td>CARPORT ADDITION</td> </tr> <tr> <td>C</td> <td>06/06/2023</td> <td>EXTENT OF WORK ADDED</td> </tr> </tbody> </table>	REV	DATE	NOTES	A	29/05/2023	DISSEMINATION INFORMATION	B	05/06/2023	CARPORT ADDITION	C	06/06/2023	EXTENT OF WORK ADDED	<b>PROJECT:</b> PROPOSED DWELLING + EXISTING SHEDS  31 WEATHERLY RD, BOLINDA  <b>CLIENT:</b> WENDY SYMONS		<b>DRAWING NAME:</b> A-03 PROPOSED DWELLING FLOOR & SHED PLAN <b>PROJECT NO:</b> E123-009 <b>DESIGNER:</b> --- <b>SCALE:</b> 1:100 <b>DATE:</b> 15-03-2023 <b>DRAWN BY:</b> JS <b>PRINT SCALE:</b> ---	<b>LAYOUT ID:</b> <b>A-06</b>  <b>REVISION:</b> ---
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<b>9.3</b>	<b>LANCEFIELD DEVELOPMENT PLAN – AREA 1, PART 1 - 128 AND 132 HIGH STREET LANCEFIELD</b>
	<b>- DP/2020/2/A</b>
<b>Application Details:</b>	<b>Amendment to an approved development plan</b>
<b>Officer:</b>	<b>Jack Wiltshire, Strategic Planner</b>
<b>Council Plan relationship:</b>	<b>3. Improve the built environment</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li><b>1. SoPP Assessment - DP20202A Lancefield Development Plan - Area 1 - Part 1</b> <a href="#">↓</a></li> <li><b>2. Amended development plan - DP-2020-2-A Lancefield Development Plan - Area 1 - Part 1</b> <a href="#">↓</a></li> </ol>
Triggers for a planning permit	Clause 43.04 - Amendment of an approved development plan under Development Plan Overlay Schedule 24
Zones and Overlays	General Residential Zone Development Plan Overlay Schedule 24
No. of objectors	n/a
Trigger for report to <b>the Committee</b>	Amendment to an approved development plan
Key Considerations	Proposed changes to an approved development plan
Conclusion	Approve amended development plan
Date of receipt of application:	28 August 2023

**Summary**

Application DP/2020/2/A seeks the approval of an amendment to Part 1 of the Development Plan for Area 1 under the Development Plan Overlay Schedule 24 (DPO24) for the land at 128 and 132 High Street, Lancefield.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered that it is consistent with the requirements of DPO24. It is recommended that application DP/2020/2/A be supported and the attached proposed Development Plan be approved.

**Recommendation**

**That the Committee approves the amended Lancefield Development Plan – Area 1 Part 1 by Chris Smith and Associates dated July 2023, Revision 1 covering the land situated at Lot 1 LP 143486 and Lot 2 LP 143486, 128 and 132 High Street, Lancefield, prepared for the purposes of Clause 43.04, Schedule 24 of the Macedon Ranges Planning Scheme.**



**Existing conditions and relevant history**

Subject land

- **128 High Street** – comprises a rectangular site with an area of 1.263ha with a frontage of 128.86m. The site is developed with a single dwelling, a number of outbuildings and access from High Street. The eastern side of the property comprises a vacant paddock. There are a number of trees generally clustered around the dwelling and along the frontage of the site. The site is zoned General Residential Schedule 1.
- **132 High Street** – comprises a rectangular site with an area of 0.54ha with a High Street frontage of 47m. The site is developed with an existing dwelling, and has a number of trees clustered around the dwelling and a single tree at the rear of the site. Access is currently provided via a crossover along High Street. The site is zoned General Residential Schedule 1.

Surrounds

The sites are located generally to the western side of the Lancefield Township with 128 High Street located around 1.2km west of the intersection of The Crescent and High Street.

The area north of High Street and west of Park Street is characterised by a landscape comprised of large properties developed with single dwellings bordered by larger Farming Zone properties across McMasters Lane and Showlers Lane. Land to the east of Park Lane comprises a municipal park, primary school and men’s shed. Land to the south of High Street comprises larger General Residential Zone land parcels generally comprising single dwellings but some of the lots have been subdivided into battle-axe subdivisions.

The site is not located within 100m of a waterway and is located in a bushfire prone area.



Figure 1: 128 and 132 High Street, Lancefield

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

There are no restrictive covenants or Section 173 Agreements affecting the subject sites.

Previous planning permit history

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

Permit No.	Description
PLN/2022/303	Subdivision of the land into Six (6) lots

PLN/2022/303/A	Subdivision of the Land into Six (6) Lots (Amendment Sought to Alter Subdivision Plan & Amend Permit Conditions 1,11 & 46)
PLN/2023/336	(Still under assessment) Subdivision of the Land into Five (5) Lots

**Proposal**

The proposal is to amend the development plan for two properties within Area 1 under the Schedule 24 of the Development Plan Overlay (DPO24). Lancefield Development Plan Area 1 can be approved in two parts. This application proposes to amend the existing Part 1 plan approved under DP/2020/2.

The amended development plan proposes the following for the development plan:

- 128 High Street – The amendment will make minor changes to the lot configuration and staging. Stage 1 will create a two lot subdivision which creates a 2854m<sup>2</sup> lot containing the existing dwelling and outbuildings and a balance lot for the remainder of the site. Stage 2 will create the remainder 8 lots within the balance lot. An access road off High Street will still be created running north-south to create a future connection to the land to the north. In the meantime it will remain a court. The High Street fronting lots will range between 1061m<sup>2</sup> and 2854m<sup>2</sup>. The internal lots under stage 2 will range between 714m<sup>2</sup> and 1128m<sup>2</sup>.
- 132 High Street – will become a single staged subdivision of 5 lots ranging from 739m<sup>2</sup> and 1283m<sup>2</sup>. Access will still be provided from High Street for Lots 1 and 2 while lots 3, 4 and 5 will have access from McMasters Lane.

**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 - Lancefield
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
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Zoning

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

Overlay

Clause no.	Clause name
43.04	Development Plan Overlay – Schedule 24

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> ?	The subject property is not within an area of identified cultural heritage sensitivity.
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*.

A Cultural Heritage Management Plan has not been submitted.

**The process to date**

Referral

Authority (Section 52)	Response
------------------------	----------



MRSC Engineering	No objection.
CFA	No objection.
Greater Western Water	No objection.
Powercor	No objection.
EPA	No response.
Melbourne Water	No response.
Tenix	No response.

Advertising

The application was not advertised informally given the limited scope of changes to the plan which makes minor changes to the currently approved development plan. It is considered the changes are minor as it reduces the number of lots and makes changes to staging. The consequential changes to infrastructure provision staging only effects 128 and 132 High Street, does not make any changes to 69 Park Street which is also covered by the approved development plan and would not adversely impact adjoining properties.

**Officer assessment**

Planning Policy Framework

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. Lancefield is identified as a district town. It is policy to support moderate growth within the existing town centre boundaries.

The relevant directions for Lancefield are:

- Ensure residential growth and development is focused on the existing township areas and within the protected settlement boundary.
- Avoid residential growth and development in the hinterland surrounding the Lancefield township.

Clause 2.03-2 – Significant Environments and Landscapes identifies that the landscape character of the Shire is also defined by significant views and vistas, distinct settlements set within a rural environment and treed avenues within townships. It is policy 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. Multi-dwelling development should not adversely impact on streetscape character of residential areas.

Clause 2.03-6 – Housing encourages the provision of diverse and affordable housing in settlements that have capacity for growth such as Lancefield. 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.

The local context is provided at Clause 11.01-1L – Settlement – Lancefield. This policy seeks to encourage development within the Lancefield protected settlement boundary, protect prominent view lines, development respects the historical character of the town, retains existing grid street pattern and protect the avenue planting of trees.

Clause 11.02-1S – Supply of urban land seeks to ensure there is sufficient land available for residential uses and ensure that urban growth opportunities for consolidation, neighbourhood character, limits of land capability and service limitations.

Clause 11.03-3S – Peri-Urban Areas seeks to manage “growth in peri-urban areas to protect and enhance their identified valued attributes”. It seeks to avoid urban sprawl, enhance character, identity, attractiveness and amenity in peri-urban towns.

Clause 12.05-2L – Landscapes – Macedon Ranges seeks to protect the character of visually sensitive areas such as roadsides, preserve significant exotic and native vegetation and ensure site and building design do not degrade landscape values.

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.

Design strategies are also conveyed at Clause 15.01-2S – Building Design as follows:

- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Improve the energy performance of buildings through siting and design measures.
- Encourage water efficiency and the use of rainwater, stormwater and recycled water.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.
- Encourage development to retain 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 Lancefield 15.05-1L seeks to:

- Ensure development respects the principles of the original settlement, including grid street patterns, wider road reserves in key access streets, use of soft engineering solutions consistent in pattern and structure with older parts of the town.
- Design development to retain and enhance the wide treed avenues.

Clause 16.01-1S – Housing Supply promotes a housing market that meets community needs. 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 19.03-2S – outlines the need to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

#### Officer review

The application is seeking to make a minor amendment to the approved Development Plan DP/2020/2. The application amends the lot layout to have one less lot at 128 High Street and amends the staging plan to facilitate the proposed development on this site. The revised lot sizes are considered appropriate with larger lots on the main road and rural interface and smaller lots contained away from these areas.

The broader strategic policies are principally supportive of the proposed changes to the approved development plan. The subject site is on the western interface of Lancefield along High Street and within the protected settlement boundary. As in the previous approval of the development plan, the sites have good access to all services including shopping facilities, education and community facilities. Public transport and public open space are available within the area. It is proposed that the existing endorsed Image and Character Report will continue to be implemented through a Section 173 Agreement.

The development is considered to support the moderate growth objectives of Lancefield and provide a timely and suitable housing supply for the township. It is considered the character objectives, landscape setting and infrastructure provision are still appropriate within the context of the previous development plan approval. It will not result in other development being held up by the change in staging or will it increase the intensity of development.

#### General Residential Zone Schedule 1 (GRZ1)

A review of the provisions under the GRZ1 including the particular provisions of clause 56 has occurred. As the General 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 GRZ1 and subsequently Clause 56 of the Macedon Ranges Planning Scheme. The layout has only marginally changed since the approval of the original development plan and the removal and alterations to the lot layout is still viewed as appropriate under the GRZ.

#### Development Plan Overlay Schedule 24 (DPO24)

The DPO24 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 matters have all been previously satisfied and it is not considered the amended lot layout or staging are at odds with the background analysis. Point 4 of Schedule 24 outlines that one or two development plans may be approved for the area shown as Area 1 on Figure 1 (the Lancefield Development Plan Areas – Indicative Development Pattern Concept Plan) forming part of this schedule. The proposed amendments are generally in accordance with this plan. The current proposal is an amendment of the previously adopted plan for Area 1.

Officers have reviewed and are satisfied the documents meet the outcomes sought by the DPO24 and can be endorsed. Furthermore, the DPO24 outlines specific requirements for Area 1 of DPO24. This includes:

Area 1 specific requirements:

- A development plan that: Maximises lot width frontage onto High Street, with lots providing a minimum frontage width of 20 metres and an area of at least 700 square metres.
- Minimises additional road connections to High Street.
- Provides lots fronting High Street with a minimum front setback of 6 metres to any building to integrate with the existing character of the township.
- Provides lots fronting High Street with a front fence no higher than 1.2 metres, which is visually permeable.
- Designs and locates shared crossovers to minimise the visual impact on High Street and avoid the removal of the existing vegetation within the road reservation.
- Provides for lots of at least 1,000 square metres along McMasters Lane to provide a transition between the General Residential Zone and the Farming Zone.
- Incorporates the same avenue tree planting as other streets within the township in Park Street, McMasters Lane and Showlers Lane.

The changes are reflective of revised development priorities for this section of development plan area and essentially the excision of the existing dwelling at 128 High Street from this pocket of development. Drainage and road access will still be responsive to the increased intensity of development and not putting it onto an adjoining property.

The removal of one lot from 128 High Street will provide a greater retention of existing streetscape character and provide a wider frontage than previously approved. The development will generally be in accordance with the new residential growth of Lancefield.

#### **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/2020/2/A – Lancefield Development Plan - Area 1 - Part 1.

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 proposal is considered to appropriately manage land use, significant landscapes, views and vantage points in consideration of the DPO24 and State and Local Policy.
		Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.	✓			No native vegetation is required to be removed in this part of the development plan. All trees to be removed are planted natives.
		Manage development around significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points.	✓			There are no applicable ridgelines however, the development plan layout will protect view lines to the Cobaw Ranges from Lancefield.
		Manage development and infrastructure provision to ensure sequences of views from key road and rail corridors are maintained for current and future users.	✓			The Development Plan seeks to ensure development does not impact on any view sequences from key roads or rail corridors.
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.	✓			There are no areas of high-value native vegetation or biodiversity within the land applicable to the subject development plan.
		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			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
		implementing best practice land management plans.				
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.	✓			The Development Plan seeks to ensure stormwater and runoff does not degrade local water quality or quantity.
		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	
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 with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans.			N/A	

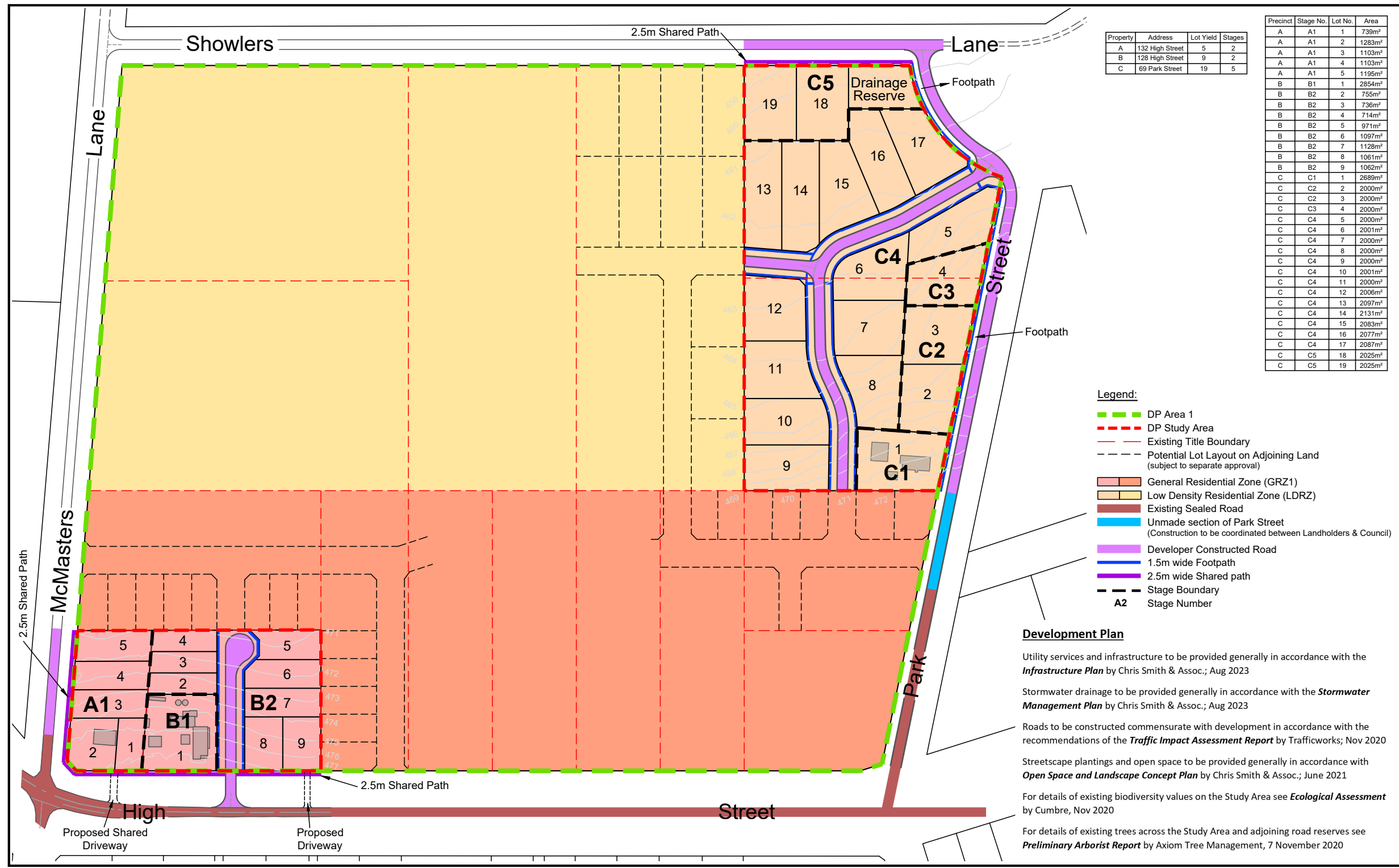
Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning 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.					
		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.	✓			It is considered the proposed development achieves this objective and does the approval of the plan would not adversely impact on adjoining heritage values.
		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.					
		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	
		Manage the effects of rural land use and development on important environmental and cultural values.			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
		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 subject land is designated to residential living and does not anticipate commercial land uses.
		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 Development Plan appropriately responds to the rural character of Lancefield.
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 values, and consistent with the unique character, role and function of each settlement.</b>		✓			
		Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.	✓			The proposed development plan is in accordance with the settlement hierarchy and within the settlement boundaries of Lancefield.



Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		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 Development Plan includes an Image and Character report which suitably identifies and makes appropriate recommendations to ensure the protection of Lancefield's character.
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.	✓			The Development Plan will contribute to an oval improved interface with bushfire prone land.
		Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.	✓			The Development Plan provides a range of lot sizes for development opportunities within the context and provisions of the DPO24.
		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.		✓		A voluntary Cultural Heritage Management Plan was not provided.
9.	<b>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.</b>					
		Provide timely infrastructure and services to meet community needs in sequence with development.	✓			The Development plan includes appropriate infrastructure delivery and staging.
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.	✓			The Development plan seeks to limit connections to High Street as far as practical.
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.			N/A	There are existing limited public transport options within Lancefield. Suitable footpaths will be created to add to local networks and connection to services and retail.
		Maintain view lines of state-significant landscape features from the main road and rail transport corridors.	✓			

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 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	
		Ensure equitable access to community infrastructure.			N/A	
		Encourage the use of active and public transport by planning infrastructure and facilities in accessible locations, and improve walking and cycling routes.	✓			The development plan supports the provision of walking and cycling within Lancefield.
10.	<b>Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.</b>		✓			The proposal addresses bushfire risk and supports planning for climate resilience.
		Support community and government planning for disaster preparedness and climate resilience.	✓			
		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	



Property	Address	Lot Yield	Stages
A	132 High Street	5	2
B	128 High Street	9	2
C	69 Park Street	19	5

Precinct	Stage No.	Lot No.	Area
A	A1	1	739m <sup>2</sup>
A	A1	2	1283m <sup>2</sup>
A	A1	3	1103m <sup>2</sup>
A	A1	4	1103m <sup>2</sup>
A	A1	5	1195m <sup>2</sup>
B	B1	1	2854m <sup>2</sup>
B	B2	2	755m <sup>2</sup>
B	B2	3	736m <sup>2</sup>
B	B2	4	714m <sup>2</sup>
B	B2	5	971m <sup>2</sup>
B	B2	6	1097m <sup>2</sup>
B	B2	7	1128m <sup>2</sup>
B	B2	8	1061m <sup>2</sup>
B	B2	9	1062m <sup>2</sup>
C	C1	1	2689m <sup>2</sup>
C	C2	2	2000m <sup>2</sup>
C	C2	3	2000m <sup>2</sup>
C	C3	4	2000m <sup>2</sup>
C	C4	5	2000m <sup>2</sup>
C	C4	6	2001m <sup>2</sup>
C	C4	7	2000m <sup>2</sup>
C	C4	8	2000m <sup>2</sup>
C	C4	9	2000m <sup>2</sup>
C	C4	10	2001m <sup>2</sup>
C	C4	11	2000m <sup>2</sup>
C	C4	12	2006m <sup>2</sup>
C	C4	13	2097m <sup>2</sup>
C	C4	14	2131m <sup>2</sup>
C	C4	15	2083m <sup>2</sup>
C	C4	16	2077m <sup>2</sup>
C	C4	17	2087m <sup>2</sup>
C	C5	18	2025m <sup>2</sup>
C	C5	19	2025m <sup>2</sup>

- Legend:**
- DP Area 1
  - DP Study Area
  - Existing Title Boundary
  - Potential Lot Layout on Adjoining Land (subject to separate approval)
  - General Residential Zone (GRZ1)
  - Low Density Residential Zone (LDRZ)
  - Existing Sealed Road
  - Unmade section of Park Street (Construction to be coordinated between Landholders & Council)
  - Developer Constructed Road
  - 1.5m wide Footpath
  - 2.5m wide Shared path
  - Stage Boundary
  - A2** Stage Number

**Development Plan**

Utility services and infrastructure to be provided generally in accordance with the **Infrastructure Plan** by Chris Smith & Assoc.; Aug 2023

Stormwater drainage to be provided generally in accordance with the **Stormwater Management Plan** by Chris Smith & Assoc.; Aug 2023

Roads to be constructed commensurate with development in accordance with the recommendations of the **Traffic Impact Assessment Report** by Trafficworks; Nov 2020

Streetscape plantings and open space to be provided generally in accordance with **Open Space and Landscape Concept Plan** by Chris Smith & Assoc.; June 2021

For details of existing biodiversity values on the Study Area see **Ecological Assessment** by Cumbre, Nov 2020

For details of existing trees across the Study Area and adjoining road reserves see **Preliminary Arborist Report** by Axiom Tree Management, 7 November 2020

REVISION	DATE	ZONE
1	08/23	NJ
A1 - Lots 1 & 2 Boundaries		

- Notes:**
- Measurements & Areas (where shown) are approximate only and are subject to survey.
  - Measurements & Areas may get changed on submission of Plan of Subdivision.
  - 2.5m wide Shared Path to be meandered to avoid TPZ (If Required).
  - Pavement, Landscaping & Shared Path are subject to Detailed Design & Council approval.
  - Lot Boundaries outside of Development Area have been derived from the Cadastral Map Base & to be used for General Information Purposes Only.



Scale 1:2500 @ A3

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Designed: Col Rogers, July, 2023  
 Drawn: Nathan Jarrett, July, 2023  
 Checked: Gary Steigenberger, July, 2023  
 Approved:

**Grande Casse Pty. Ltd. Residential Development**  
 128 - 132 High Street & 69 Park Street  
 Lancefield, VIC, 3435

**Subdivision Layout Plan**

Drawing No. 23163/02 Rev. 1  
 Sheet No. 1 of 1 2316302v1.dwg  
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<b>9.4</b>	<b>DP/2009/12/C - 75 WILLOWBANK ROAD, GISBORNE - DEVELOPMENT PLAN AMENDMENT</b>
<b>Application Details:</b>	DP/2009/12/C
<b>Officer:</b>	Jack Wiltshire, Strategic Planner
<b>Council Plan relationship:</b>	3. Improve the built environment
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. <b>Attachment 1 - Development Plan for approval - 75 Willowbank Road, Gisborne</b></li> <li>2. <b>Attachment 2 - SoPP checklist 75 Willowbank Road Gisborne Development Plan</b> <a href="#">↓</a></li> </ol>
Triggers for a planning permit	Clause 43.04 – Amendment of an approved development plan under Development Plan Overlay 4
Zones and Overlays	General Residential Zone Schedule 1 Development Plan Overlay Schedule 24 Development Contributions Plan Overlay Schedule 24
No. of objectors	1
Trigger for report to <b>the Committee</b>	Amendment to an approved development plan
Key Considerations	Proposed changes to an approved development plan
Conclusion	Approve amended development plan
Date of receipt of application:	21 December 2021

**Summary**

Application DP/2009/12/C seeks the approval of an amendment to an approved development plan for Area 4a under the Development Plan Overlay Schedule 4 (DPO4) for the land at 75 Willowbank Road and 51 Coop Drive, Gisborne.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered that it is consistent with the requirements of DPO4. It is recommended that application DP/2009/12/C be supported and the attached Development Plan be approved.

**Recommendation**

**That the Committee approves the amended Development Plan for Area 4a covering the land at 75 Willowbank Road and 51 Coop Drive Gisborne prepared for the purposes of Clause 43.04, Schedule 4 of the Macedon Ranges Planning Scheme.**

**Existing conditions and relevant history**

Subject land

The subject land is located approximately 2km to the south east of Gisborne town centre. The two subject sites comprise:

- 75 Willowbank Road is rectangular in shape and is approximately 2.84ha in area. Currently the site contains a single dwelling and associated outbuildings and landscaping. The landscaping comprises some large English oak trees along the northern boundary fronting Willowbank Road and large Monterey pines along the eastern and western boundaries. The dwelling is single storey and has formal domestic landscaping around the main buildings and a grove of orchard trees to its rear with some greenhouse and hedges. Vehicular access is via the northern frontage off Willowbank Road.
- 51 Coop Drive is a mostly vacant, rectangular shape of approximately 3.1ha in area. The site is mostly flat with some large mostly Monterey pines along the southern, eastern and western boundaries. The only notable indigenous tree is a swamp gum next to a dam at the intersection of the site with Rothschild Road. The site has road access to Cherry Ballart Road, Rothschild Road and Coop Drive. The south-eastern boundary of the site fronts Gisborne Fields park.

Both sites comprise the last parcels of land to the south of Willowbank Road affected by the Development Plan Overlay Schedule 4 – Area 4a that has not been developed.

Surrounds

The land south of Willowbank Road comprises a mostly residential character which has developed under the Development Plan Overlay Schedule 4. The area has mostly been developed since around 2010 to varying degrees and the subject sites comprise the last area yet to develop. Therefore, the existing sites are the last large vacant residential parcels within this area.

Surrounding development ranges for sites over 2000m<sup>2</sup> fronting south of Willowbank Road and smaller lots generally between 800-1200m<sup>2</sup> within internal streets. Most dwellings are single storey and detached.

The Gisborne Fields Park is adjacent to 51 Coop Drive. A new primary school has been developed at the Willows estate to the east. The corner of Brady Road has a childcare and health services to the east and a combined planning permit / planning scheme amendment to provide a local convenience centre is currently under consideration 300m to the west at 101-105 Willowbank Road.

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

Section 173 Agreement – AW644472B applies to 51 Coop Drive Gisborne.

The agreement relates to the payment of a minimum open space contributions for the land at 75 Willowbank Road and 51 Coop Drive if either the parent lots are subdivided further.

Previous planning permit history

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

Permit No.	Description
PLN/2019/511	Two lot subdivision (in accordance with approved Development Plan)

**Proposal**

Development Plan Overlay Schedule 4 (DPO4) – Gisborne Residential Areas allows for more than one development plan to be lodged in each of the specified areas in Gisborne.

The total site area is just under 6 hectares (5.95ha). The proposal seeks to create 51 lots, which includes two public open space lots to expand Gisborne Fields park by 0.54 hectares.

**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

<b>Clause no.</b>	<b>Clause name</b>
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 Plan
11.01-1S	Settlement
11.01-1L	Settlement – Gisborne
11.03-3S	Peri-Urban Areas
12.05-2L	Landscapes – Macedon Ranges
15.01-1S	Urban Design
15.01-1L	Urban Design – Macedon Ranges
15.01-2S	Building Design
15.01-5S	Neighbourhood Character
15.01-5L	Neighbourhood Character – Macedon Ranges Townships (Gisborne)
16.01-1S	Housing Supply
16.01-1L	Housing Supply – Macedon Ranges
16.01-2S	Housing Affordability
16.01-2L	Housing Affordability – Macedon Ranges
19.03-1S	Development and Infrastructure Contributions Plans
19.03-3S	Integrated Water Management

Zoning

<b>Clause no.</b>	<b>Clause name</b>
32.08	General Residential Zone – Schedule 1

Overlay

<b>Clause no.</b>	<b>Clause name</b>
43.04	Development Plan Overlay – Schedule 4
45.06	Development Contributions Plan Overlay – Schedule 2

Particular provisions

<b>Clause no.</b>	<b>Clause name</b>
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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> ?	The subject property is not within an area of identified cultural heritage sensitivity.
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*.

A Cultural Heritage Management Plan has not been submitted.

**The process to date**

Referral

Authority (Section 52)	Response
MRSC Engineering	No objection
MRSC Environment	No objection
MRSC Open Space	No objection
MRSC Recreation	No response. Considered no objection.
Powercor	No objection
Greater Western Water	No objection
Melbourne Water	No objection
Tenix	No response. Considered no objection.



### Advertising

The amended development plan was informally advertised to adjoining landholders for two weeks. One submission was received and which was heard at the 11 October 2023 Planning Delegated Committee meeting. The submission was concerned with overdevelopment of the site and impact on native fauna.

### **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 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 – 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 Gisborne. 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 – Gisborne. This policy seeks to maintain Gisborne as a distinctive semi-rural settlement and contain 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 an area where medium density housing is specifically encouraged.

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 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”

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 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.

Further conventional development in Gisborne is described as between 500-1500 square metres with an average size not less than 800 square metres in any new subdivision.

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. Clause 16.01-2L outlines the need to promote a range of housing options to improve housing affordability in the larger towns.

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.”

#### Officer Review

The broader strategic policies are supportive of infill subdivision within this area of Gisborne. The subject site is located approximately 500 metres south-east of the identified neighbourhood activity centre for southern Gisborne and is within the township boundary.

The site has access to shopping facilities, education and community facilities, public transport and public open space, as well as close road connections to the Calder Freeway.

The subdivision of 49 lots is aligned with the projected growth of the township as per the policies related to settlement, and will increase housing stock and enhance the range of housing options within the township boundary meeting the various housing objectives. The subject sites will fill a key connection between two development areas south of Willowbank Road providing improved pedestrian connections – particularly the Willowbank primary school. The remainder of the area is a well-established residential area. Most lots will be generally within the 500 – 800 square metre range with a small number of lots closer to 400 square metres located adjacent to the Gisborne Fields Park.

Overall, the proposal offers an opportunity to capitalise on a suitable, infill residential site while in keeping with the establishing character of the residential areas south of Willowbank Road. An average lot size of 873 square metres will be provided which is generally in keeping with policy.

Larger lots fronting Willowbank Road will provide enough space to maintain the English oak trees which provide excellent tree specimens to the local community. The single native tree

will need to be removed to enable the extension of Rothschild Road and there are no alternative alignments to avoid the loss of this single tree. The removal of the Monterey pines will cause a local character change but most of these trees are not suitable for the emerging residential setting.

The proposal offers a fully detached layout with setbacks that can accommodate landscaping and this is consistent with surrounding areas.

#### General Residential Zone Schedule 1 (GRZ1)

A review of the provisions under the GRZ1 including the particular provisions of clause 56 has occurred. As the General 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 GRZ1 and also clause 56 of the Macedon Ranges Planning Scheme.

The layout will ensure good connectivity, access to open space and ensure orderly development. The range of lot sizes will permit for housing diversity and the smaller lots will contribute to housing mix within Gisborne.

#### Development Plan Overlay Schedule 4

The DPO4 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. It builds on key connections and open space requirements.

Schedule 4 outlines requirements for the area south of Willowbank Road, west of Central Creek (Area 4a). Specifically it requires:

- A low density interface to Brooking Road, Brady Road and Willowbank Road.
- Pedestrian, vehicle and bicycle linkages to Area 4b.
- A coordinated infrastructure plan and storm water management plan that incorporates Area 4b and identifies the staging and timing of the provision of infrastructure.

The application generally meets these requirements by providing a 1000 – 10,000 square metre lot interface with Willowbank Road, connecting linkages to Area 4b (Willows estate) and connecting and building on the storm water and infrastructure deployed within the area.

The information provided with the planning application is deemed acceptable.

Two areas of open space have been showed on the development plan. These include a 5% open space contribution (Reserve 1) and an additional 2464 square metre reserve to be purchased by the Macedon Ranges Shire Council (Reserve 2). The purchase of this land will go ahead under the motion from 26 July 2023 Scheduled Council Meeting which approved the process in acquiring land from 51 Coop Drive to add to the existing Gisborne Fields reserve.

Officers have reviewed and are satisfied the documents meet the outcomes sought by the DPO4 and can be approved.

#### Development Contributions Plan Overlay Schedule 2

The application does not trigger contributions for the approval of a development plan. These will be collected as part of any future planning permit approval.

**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/2009/12/C – 75 Willowbank Road, Gisborne 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	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.	✓			It is considered the proposal does not impact on significant landscapes, views or vantage points in Gisborne.
		Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.		✓		The single indigenous tree to be removed is due to road alignments on adjoining properties and cannot now be undone. Ideally the tree would have been retained within open space or a road reserve. The alignment of the road means this is not possible.
		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 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. Willowbank Road is a secondary road and the application provides large lot frontage and a low density interface to this road.
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.		✓		The single indigenous tree to be removed is due to road alignments on adjoining properties and cannot now be undone. Ideally the tree would have been retained within open space or a road reserve. The alignment of the road means this is not possible.
		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		✓		There are minimal areas suitable for restoration work. Open Space will be provided as part the plan and there may be opportunities to utilise indigenous species.

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Establish and improve bio links to connect high-value ecological areas, including areas along waterways and areas within and between towns.			N/A	There are no biolinks or high value ecological areas of note on the subject site.
		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.	<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>					
		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 or the degradation of water quantity or quality.
		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.	✓			The single dam on site will be removed. Melbourne Water and Greater Western Water have reviewed the proposal and offered no objection.
		Reinforce the role of waterways as biodiversity Linkages and as corridors for native plants and animals.			N/A	There are no waterways on the subject site.
		Ensure water supply and land use planning policies are integrated, to realise efficiencies in regional catchment management and best practice, water-sensitive urban design.	✓			No WSUD is outlined within DP. Detailed drainage planning will occur during subdivision and development permit applications.
		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.	✓			No specific area within the DP addresses climate change directly. Melbourne Water have no objected as the floodplain manager. Works are sought to avoid stormwater runoff entering water supply catchment. The site is removed from bushfire threat in the context of Gisborne.
		Review and improve regulation and monitoring of groundwater licences and surface water diversions.			N/A	
4.	<b>To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and</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
	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 with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans.			N/A	No CHMP has been provided. There are unlikely to be any areas of note within the subject site. The Act does not outline any particular areas of this site that would be applicable.
		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.					
		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.
		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.					
		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	

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		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>					
		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.		✓		As nominated in the main report, the proposal has not adequately demonstrated how the proposal adequately meets the Gisborne township character and its rural interfaces.
8.	<b>To plan and manage growth of settlements in the declared area consistent with protection</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
	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.					
		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 Gisborne township area.
		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.			N/A	The DP area is for greenfield development.
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.	✓			It is considered there are no flood or bushfire risk to the subject site located surrounded by existing residential development.
		Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.	✓			The proposal nominates a range of housing types within the proposed DP area smaller lots.
		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.

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.	✓			Transport connections will be available along Willowbank Road.
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.	✓			The site will provide pedestrian connections and links to public transport.
		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 within the estate to connect residents to surrounding community infrastructure.
		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 between the two sides of housing on either side which should encourage pedestrian linkages.
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 or flood risk.
		Manage bushfire risks while also retaining valued biodiversity and landscape character.	✓			Limited biodiversity and landscape impact in preparing for bushfire risk.
		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	
		Ensure planning for future use and development of land prone to flooding minimises the consequences of inundation.			N/A	



<b>9.5</b>	<b>DP/2022/3 - 88A AND 90 WEDGE STREET 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 <b>the Committee</b>	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.**



## 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:

<b>Permit No.</b>	<b>Description</b>
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 Ebden 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

<b>Clause no.</b>	<b>Clause name</b>
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
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

<b>Authority (Section 52)</b>	<b>Response</b>
North Central Catchment Management Authority (NCCMA)	<p>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.</p> <p>The NCCMA have no issues with the location of the drainage basin and the proposed creek reserve.</p>
Environmental Protection Authority	Environmental Audit Statement has been approved
Downer (on behalf of AusNet Gas Services)	No objection.
Goulburn-Murray Water (GMW)	<p>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.</p>
Coliban Water	<p>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.</p>
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	<p>An initial request for further information resolved the following issues:</p> <ul style="list-style-type: none"> <li>- The need for a riparian management plan for the open space reserve.</li> <li>- Queries relating to lost vegetation that cannot be retained.</li> </ul> <p>These matters have been resolved.</p>
MRSC Engineering	<p>An initial request for further information resolved the following issues:</p> <ul style="list-style-type: none"> <li>- Drainage</li> </ul>

	<ul style="list-style-type: none"> <li>○ Location of the drainage basin – issue referred to NCCMA who have raised no objection to the size and location of the basin</li> <li>○ 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.

Wedge Street has a pavement width of approximately 5 m 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.

#### 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	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.	✓			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	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.	✓			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.	To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.					
		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.	To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.					
		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.		✓		As nominated in the main report, the proposal has not adequately demonstrated how the proposal adequately meets the Kyneton township character.
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 will 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.