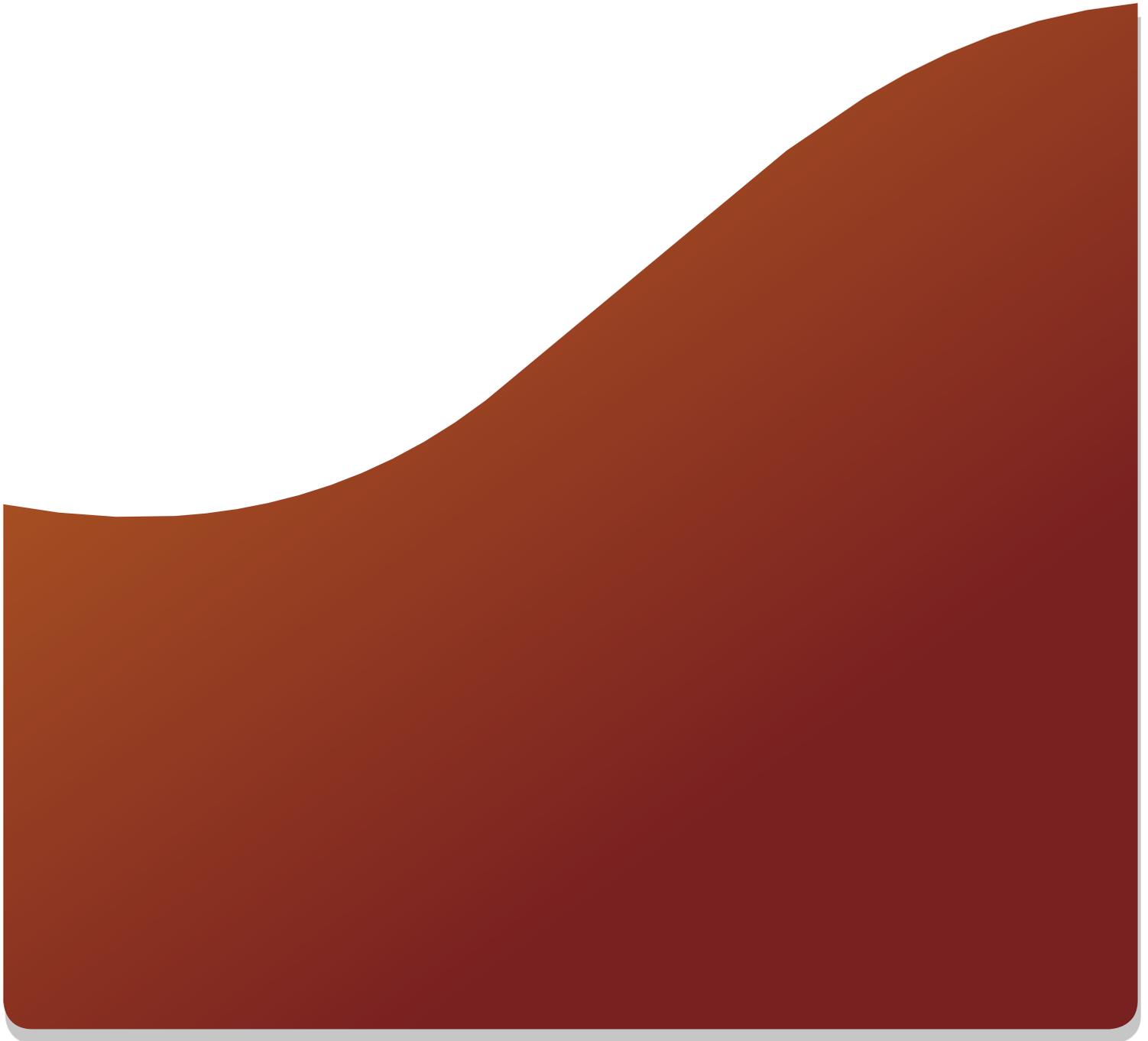


Agenda

**Planning Delegated Committee Meeting
Wednesday 7 December 2022 at 7pm
Held online and livestreamed at [mrsc.vic.gov.au](https://www.mrsc.vic.gov.au)**



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1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 RECORDING AND LIVESTREAMING OF THIS COMMITTEE MEETING

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

3 PRESENT

4 APOLOGIES

5 CONFLICTS OF INTEREST

6 PURPOSE OF PLANNING DELEGATED COMMITTEE

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

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

7 ADOPTION OF MINUTES

Recommendation

That the Committee confirm the minutes of the Planning Delegated Committee of Macedon Ranges Shire Council held on 9 November 2022, as circulated.

8 HEARING OF SUBMITTERS

8.1	HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2022/216 - RESUBDIVISION OF TWO (2) LOTS INTO TWO (2) LOTS 64 MOFFATS LANE, ROMSEY
Officer:	Awais Sadiq, Coordinator Statutory Planning
Attachments:	Nil

Summary

To hear from submitters in relation to Planning Application PLN/2022/216 regarding the resubdivision of two (2) lots into two (2) lots at 64 Moffats Lane, Romsey.

Recommendation

That the Committee:

- 1. Notes that no submissions have been received in relation to PLN/2022/216 for the resubdivision of two (2) lots into two (2) lots; and**
- 2. Requests that recommendations be prepared, based on all relevant information, for consideration and determination at the next Scheduled Council Meeting to be held on 14 December 2022.**

Background

The subject site is located at the intersection of Moffats Lane and Black Range Road, approximately 3.2km south-west of the Romsey Township. The site comprises two contiguous allotments having regular shapes with an overall area of approximately 49 hectares.

The site has a Moffats Lane frontage of 817m and a Black Range Road frontage of 390m. The subject site is relatively flat. An existing dwelling, associated outbuildings and agricultural buildings are concentrated towards the north-east, along the common property boundary between the two allotments. It also comprises seven dams throughout the site and scattered vegetation. Access to the subject site is via both Moffats Lane and Black Range Road, which are both unsealed all-weather roads.

The surrounding area comprises land in Farming Zone, generally varied in size, particularly with larger properties to the south and smaller properties to the north. Surrounding properties are predominantly cleared, with existing dwellings and associated sheds located on them. The surrounding land in the area is traditionally used for mixed farming, particularly stock grazing and equine enterprises.

Summary of proposal

The applicant is seeking resubdivision of two lots into two lots with the following details:

- Lot 1 having an area of approximately 20.63 hectares. It will comprise the existing dwelling and all other buildings (sheds) on the subject land. Access will be via the existing crossover and gravel driveway off Moffats Lane.

- Lot 2 having an area of approximately 28.22 hectares. It will be vacant in terms of buildings and works. Access will be via an existing crossover and gate off Moffats Lane and off Black Range Road.

Planning permit trigger/s

A planning permit is required to:

- Subdivide the land under the Farming Zone.

Summary of submissions

No objections were received to this application.

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.

9 REPORTS

9.1	APPLICATION FOR A REZONING AND SECTION 96A PLANNING SCHEME AMENDMENT C153MACR AND PLANNING PERMIT PLN/2022/359- 101-105 WILLOWBANK ROAD, GISBORNE
Officer:	Asok Rao, Strategic Planner
Council Plan relationship:	3. Business and tourism 1. Connecting communities
Attachments:	1. Planning Scheme Amendment Documentation ↓ 2. Proposed Development Plans and Draft Planning Permit (under separate cover)

Summary

Council has received a request to consider a planning scheme amendment to rezone land at 101-105 Willowbank Road from the General Residential Zone to the Commercial 1 Zone, and to apply the Design and Development Overlay to the site to control future development. An application for a planning permit under Section 96A of the *Planning and Environment Act 1987* has also been lodged for development of a commercial centre including a supermarket, medical centre, commercial space, food and drink premises (café), reduction of car parking, and variation of covenant PS549356W.

Recommendation

That the Committee:

- 1. Seeks authorisation from the Minister for Planning to prepare Planning Scheme Amendment C153macr to the Macedon Ranges Planning Scheme pursuant to section 9 of the Planning and Environment Act 1987;**
- 2. Authorises Council officers to prepare amendment documents for authorisation and exhibition of Amendment C153macr and draft Planning Permit PLN/2022/359**
 - (a) Upon receipt of authorisation from the Minister for Planning, make any changes necessary to comply with the conditions of authorisation; and**
 - (b) Upon satisfaction of any conditions of authorisation, exhibit Amendment C155macr and Planning Permit PLN/2022/359 pursuant to section 19 of the Planning and Environment Act 1987.**

Background

A planning scheme amendment request and an application under Section 96A of the *Planning and Environment Act 1987* (the Act) was received on 27 July 2022, from Taylors Development Strategists on behalf of Brady Road Investments Pty Ltd for land at 101-105 Willowbank Road, Gisborne (identified as Lot 43 on Plan of Subdivision 549356W). The site is shown below in Figure One.



Figure One: Aerial photograph of 101-15 Willowbank Road, Gisborne.

The site has been identified as an activity centre site in both the 2009 Gisborne Outline Development Plan (as ‘Proposed local neighbourhood retail’) and the draft *Gisborne Futures Structure Plan (2020)* (as a ‘Proposed Activity Centre’). The proposal is also consistent with Clause 21.13 – Local Areas and Small Settlements of the Macedon Ranges Planning Scheme which nominates this location for local neighbourhood retail, and includes the strategy to “Provide for two local neighbourhood activity centres to the south and west of the Gisborne area to service new residential areas with basic convenience needs.”

The current residential zoning does not allow the site to be developed as a Neighbourhood Activity Centre as envisioned in local planning policy, as the General Residential Zone (GRZ) only allows for a limited range of commercial uses subject to conditions and prohibits most others. The rezoning of the land at 101-105 Willowbank Road to the Commercial 1 Zone (C1Z) appropriately facilitates the established vision for the site as a Neighbourhood Activity Centre.

Discussion

The proposed planning scheme amendment (known as Amendment C153macr to the Macedon Ranges Planning Scheme) and planning permit (PLN/2022/359) are required to facilitate a commercial outcome on this site, as envisaged by the Gisborne Outline Development Plan and the Macedon Ranges Planning Scheme.

The application proposes the following:

- Rezones the land from GRZ to C1Z;
- Applies a site specific Design and Development Overlay (DDO) to the land to control the development of the site into the future.
- Exhibits a draft Section 96A planning permit which includes:
 - development of the site for a commercial centre that includes a small supermarket, medical centre, commercial space, cafes and reduction of car parking spaces (4);
 - Variation of covenant PS549356W.

The proposed amendment does not seek to remove or alter the existing Development Contributions Plan Overlay (DCPO2) applying to the site.

The application of the DDO will ensure that development of the site achieves good quality architecture and urban design, consistent with the character of the surrounding area. The DDO is intended to provide appropriate planning controls for the site in perpetuity, regardless of whether the current developer proceeds with the development or not.

Over the last few months, Council officers and the proponent have worked through the contents of the draft DDO for the site. Key requirements of the draft DDO agreed to by both parties include the following:

- A maximum street wall height of 11 metres – 11 metres is the maximum building height permitted in the GRZ which surrounds the site. An 11 metre street wall height limit will ensure that any development is relatively low scale and is consistent with the broader residential character of the area, while allowing for appropriately scaled commercial uses to meet local need.
- Building siting and design requirements that promote street and public realm activation.
- Ecologically sustainable design principles
- A requirement for car parking to be located at the rear of the development.
- A requirement to provide for more vegetation and trees in the public realm and car park to provide shade.
- Ensuring signage is appropriate for the area.

The draft Explanatory Report and draft DDO are included in Attachment One.

The subject land is located in a primarily residential area of Gisborne. In the immediate surrounds are a range of residential and non-residential uses:

- North: approved Aged Care Centre and Community Centre on the other side of Willowbank Road (as per the Fersfield Road Development Plan)
- East: Early Learning Centre on the other side of Brady Road
- South-east: Specialist medical and allied health
- South-west: Single-storey residential units
- West: A single-storey dwelling

The subject land has an area of 3,547m². The draft permit proposes the following development summary:

Site Area	3,547 m ²	
Proposed Uses	Supermarket (Mini Mart)	370 m ² plus 80 m ² of ancillary office
	Medical Centre	452 m ² accommodating 7 practitioners
	Commercial space	300 m ²
	Food and Drink Premises	2 x cafés of 85m ²
Car Parking	61 spaces including 2 disabled car spaces	
Bicycle Parking	6 customer bike parking spaces 2 staff bike parking spaces	
Anticipated Operating Hours	7am – 7pm Monday to Sunday	
Anticipated Operating Hours (Medical Centre)	Monday to Friday: 8:30 am – 5:30 pm Saturday: 12:00 pm – 3:00 pm Sundays and public holidays: 11:00 am – 1:00 pm	

The variation of the covenant PS549356W proposes to:

- Allow fencing other than post and wire (i.e. allow a timber paling fence) and
- Construct a building with a building height greater than 9 metres or more than two storeys

A draft Planning Permit – PLN/2022/359 has been prepared and is included as part of **Attachment Two**. Also at Attachment Two are the submitted development plans for the site. The draft Planning Permit conditions address built form, car parking, vehicle access, landscaping and range of other matters. Key aspects include:

- The applicant has agreed to provide a pedestrian crossing on Brady Road to improve walkability to the site.
- A shortfall of four car spaces as required by Clause 52.06 of the Macedon Ranges Planning Scheme.
- A maximum of seven (7) medical practitioners may operate from the site at any given time unless with the further written consent of Council. This condition seeks to reduce the shortfall of the parking for the development.
- Improved landscaping to the eastern façade of the supermarket and northern façade of the medical centre in the form of groundcovers and vertical landscape climbers to create a 'green wall' along the blank façade.
- Condition to vary Restrictive Covenant PS 549356W to vary Clause 5 and 7 around fencing and greater building height for the site.
- The highest part of the built form will be a maximum height of 9.525m. The majority of the built form will be 9m or less.

A broader referral process will be undertaken under the normal notice requirements for a Planning Scheme Amendment. Referral Authorities will be notified of the Amendment, and an opportunity to provide comment on and require additional permit conditions if required. Any additional permit conditions can be added to the draft permit at the conclusion of the exhibition period and following the Planning Panel Process.

The Amendment Process

Figure Two below illustrates the Section 96A combined planning scheme amendment and planning permit process. The amendment and planning permit request is at Stage Three, requiring a decision of Council in order to proceed to the next stage of the amendment.

Step One - Lodgement	<ul style="list-style-type: none"> •Proponent requests amendment and combined planning permit, pays fee
Stage Two - Assessment	<ul style="list-style-type: none"> •Council officers assess the amendment request •Council officers may ask for more information •Once officers are satisfied with the amendment, the planning permit is assessed
Stage Three - Planning Delegated Committee	<ul style="list-style-type: none"> •Planning Delegate Committee considers requesting authorisation from the Minister for Planning for both the amendment and planning permit. •Draft amendment documentation and a draft planning permit is considered by Council •In doing so Council agrees that there is merit to; all or parts of the amendment
Stage Four - Authorisation	<ul style="list-style-type: none"> •Request authorisation from the Minister for Planning for both the amendment and the planning permit •The Minister may request changes to planning scheme amendment/permit documentation an provide conditions of authorisation
Stage Five - Public Exhibition	<ul style="list-style-type: none"> •Notfication via mail and advertisement in local paper •All documentation is provided in relation to the amendment and planning permit •Notice in Government Gazette •Public submissions invited
Stage Six - Planning Delegated Committee	<ul style="list-style-type: none"> •To provide submitters the chance to address their submission
Stage Seven - Planning Delegated Committee	<ul style="list-style-type: none"> •Consider post exhibition changes in response to submissions •Submissions gathered by referral agencies and community to inform final planning permit conditions •Refer unresolved submissions to a Planning Panel
Stage Eight - Independent Planning Panel	<ul style="list-style-type: none"> •Review of amendment and planning permit •In the case of a proponent led Planning Scheme Amendment/planning permit – Council can choose to make a submission for or against the amendment (or parts)
Stage Nine - Planning Delegated Committee	<ul style="list-style-type: none"> •Consider the Independent Planning Panel’s report •The report will provide recommendations on final planning permit conditions •Consider adopting the amendment and resolve to issue planning permit with or without changes
Stage Ten - Submit the amendment for approval and issues planning permit	<ul style="list-style-type: none"> •Minister for Planning will consider the amendment and planning permit with or without changes •Change to the Planning Scheme made when amendment appears in Government Gazette •Within seven days of approved amednment Council must issue the planning permit.

Figure Two: A Section 96A combined planning scheme amendment and planning permit process at Macedon Ranges Shire Council.

Consultation and engagement

If authorised, statutory consultation on the amendment will be conducted and all impacted landowners, occupiers and referral authorities will be notified as required by the *Planning and Environment Act 1987*

Collaboration

To date, collaboration with other councils, governments or statutory bodies has not been required. Consultation will be carried out with relevant organisations should the amendment be authorised as per above.

Innovation and continuous improvement

N/A

Relevant law

The requirements for a planning scheme amendment are set out in the *Planning and Environment Act 1987* and its regulations.

This report does not have any direct or indirect human rights implications under the *Charter of Human Rights and Responsibilities Act 2006*.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

N/A

Relevant Council plans and policies

This report's recommendations is supported by the following Council Plans and Strategies:

Council Plan 2021-2031:

Strategic Objective 1 – Connecting Communities

Integrate land-use planning, and revitalise and protect the identity and character of the shire

Strategic Objective 3 - Business and Tourism

Encourage economic vitality (including tourism, agribusiness, buy local and local employment options

The Macedon Ranges Planning Scheme

Clause 21.13-1 identifies the following objective and strategy:

To encourage the establishment of local neighbourhood activity centres that is well designed, sustainable, attractive and accessible in residential areas.

Provide for two local neighbourhood activity centres to the south and west of the Gisborne area to service new residential areas with basic convenience needs.

The Gisborne Outline Development Plan (2009)

The existing Structure Plan for Gisborne identifies the land at 101-105 Willowbank Road as 'proposed neighbourhood retail.' The plan identifies that the:

"local activity centres in south Gisborne and west Gisborne will likely require a zone other than a Residential Zone, with the final zone chosen to be tailored to the specific uses proposed."

Economic Development Strategy 2021-2031

Identifies as an action to:

'Support the implementation of Township Structure Plan recommendations and/or relevant urban design frameworks through business case development to access funding support for high quality urban design and active street frontages.'

Financial viability

The *Planning and Environment (Fees) Regulations 2016* set out fees to be paid at each step of the Amendment process.

Council's fact sheet, 'Private Sponsored Planning Scheme Amendments' sets out Council's expectation that all costs associated with the amendment will be payable by the applicant.

Sustainability implications

The proposal provides for a range of environmental sustainability initiatives including:

- A building design to enhance thermal performance and reduce energy use.
- 20Kw Solar PV system on the roof
- Use of recycled materials and materials with low embodied energy
- Water Sensitive Urban Design – roof area to harvest water and send to 10,000 litre rain water tanks
- One EV charging station with possibility of further expansion

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.

MACEDON RANGES PLANNING SCHEME

C153macr
/ /2023

SCHEDULE 27 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

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

101-105 WILLOWBANK ROAD GISBORNE

1.0 Design objectives

C153macr
/ /2023

To provide for a low-rise Neighbourhood Activity Centre that provides a suitable transition to the adjacent residential areas.

To create an active frontage and high-quality built form presentation to Willowbank and Brady Roads.

To ensure that development promotes a high quality streetscape that prioritises safety, pedestrian access, active transport and public gathering spaces.

To incorporate hard and soft landscaping and water sensitive urban design principles throughout the development.

To ensure development provides for contemporary materials, forms and finishes.

2.0 Buildings and works

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A permit is required to construct a fence.

Design Requirements

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

Building Siting

- Built form should have a zero setback at the street edge and a maximum 11 metre street wall.
- Locate and arrange the buildings to allow daylight and sunlight access to key public spaces and key pedestrian street spaces.
- Buildings must address the street and corner location with car parking located to the rear of development.

Building Design

Buildings should:

- Prioritise pedestrian access, including a small plaza area or ‘gathering point’ for public use.
- Provide appropriate building scale, forms, materials and finishes that respects the existing character of the area.
- Reinforce important street corners with additional height and/or architectural elements to create a bookend effect.
- Locate and arrange buildings to allow daylight and sunlight access to public and pedestrian street spaces.
- Locate pedestrian entries that are accessible from the street or public use plaza/gathering point.
- Provide lighting for a safe night-time environment, however this is to be kept to a pedestrian scale and is to avoid light spill into the surrounding residential areas.
- Place windows of buildings to overlook the street
- Locate any residential development above ground level to complement the site being commercial.

MACEDON RANGES PLANNING SCHEME

Access

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

Public Realm and Landscaping

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

3.0

Subdivision

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None specified.

4.0

Signs

04/10/2018

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

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

5.0

Application requirements

30/07/2018

None specified.

6.0

Decision guidelines

30/07/2018

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the siting, form, height, massing and design of the proposed buildings and works, including fencing, provide an appropriate response to the context of the site.
- The ability of the development to provide the space for the planting of canopy trees and other vegetation.

MACEDON RANGES PLANNING SCHEME

- Whether the proposal achieves a high quality design outcome and implements Ecologically Sustainable Development principles, including Water Sensitive Urban Design.
- Whether the proposed building contributes to public safety and the amenity of the streetscape.
- The ability of the development to provide for a Neighbourhood Activity Centre.

DRAFT

Planning and Environment Act 1987

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

Who is the planning authority?

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

The amendment has been made at the request of the landowner being Brady Road Investments Pty Ltd.

Land affected by the amendment

The amendment applies to the land at 101-105 Willowbank Road, Gisborne Victoria 3437. The land is identified as Lot 43 on Plan of Subdivision 549356W.



Figure 1: Amendment site

Source: *Nearmap.com*

What the amendment does

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

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

The planning permit application seeks approval for:

- Development of a Commercial Centre including a Supermarket, Medical Centre, Commercial space and Food and Drink Premises (Café).
- Variation of Covenant PS549356W

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to facilitate a future Neighbourhood Activity Centre at the land to provide for the everyday shopping, commercial and medical needs of the surrounding residential community. Since 2009, the site has been earmarked as a Neighbourhood Activity Centre in the Gisborne New Gisborne Outline Development Plan (ODP). This strategic direction has been incorporated into the Macedon Ranges Shire Planning Scheme in Clause 21.13-1 and the recently prepared *Draft Gisborne Futures Structure Plan, Urban Design Framework and Neighbourhood Character Study* released in late July 2020. .

The Gisbourne south area has experienced considerable housing growth and this is anticipated to continue with the development of the Willow Estate at the eastern end of Willowbank Road. Residents in the nearby area are still required to travel into Gisborne Town Centre (typically by car) to access basic services and everyday shopping needs. Delivering on the vision of the ODP, Clause 21.13-1 and the *draft Gisborne Futures Structure Plan* will bring a much-needed local service and amenity to the surrounding residential community. The Neighbourhood Activity Centre also seeks to reduce car dependency for the surrounding area, providing a more proximate centre that prioritises pedestrian/cyclists in its design while also being well serviced by a bus route for alternative sustainable transport options.

The subject site is currently within a General Residential Zone. The current zoning greatly restricts the ability of the site to be developed into a Neighbourhood Activity Centre as envisioned in local planning policy for the area, as it prohibits most commercial uses or applies stringent conditions to a limited variety of uses. The rezoning of the land at 101-105 Willowbank Road to a Commercial 1 Zone appropriately facilitates the commercial vision of the site to create a Neighbourhood Activity Centre.

The inclusion of a Design and Development Overlay will ensure particular built form outcomes are achieved at the site that is consistent with the character of the surrounding area and appropriately responds to its features and implements good quality architecture and urban design.

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

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

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

The rezoning of the land to facilitate a Neighbourhood Activity Centre will provide for basic services and everyday shopping, commercial and medical needs for the surrounding residential communities. The centre will create amenity and a place for the local community to meet and interact during their daily activities. The centre provides opportunities for employment and working close to home while encouraging sustainable modes of transport.

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

The rezoning of the land to facilitate a Neighbourhood Activity Centre will create considerable environmental, social and economic benefits by providing essential services in a location that is closer to home for the growing population within the Gisborne south area.

Environmental – the centre will prioritise walking (through upgrade of pedestrian crossing), cycling and other sustainable modes of transport to reduce car dependency for the surrounding residential area in accessing everyday goods and services. Furthermore, the proposed built form includes a range of sustainable measures to reduce its carbon footprint. The development has a range of environmentally sustainable design features including on-site power generation through roof top solar, use of recycled materials and storm water capture and retention, green lattice and areas for EV charging.

Social – the centre facilitates social interaction and a meeting point for the community. Proposed uses such as the Medical Centre also contribute to the medical precinct which includes an Osteo and Physio within the immediate environs.

Economic – The proposed commercial activity within the Neighbourhood Activity Centre will generate ongoing employment for the surrounding community. It will also provide people with the opportunity to work close to home, as well as stimulating investment in the immediate and surrounding areas.

Does the amendment address relevant bushfire risk?

The site is located outside of the Bushfire Management Overlay and designated Bushfire Prone Area and is not considered to be at threat of bushfire within the immediate context. The amendment is not expected to increase the risk of bushfire to lives, property or community infrastructure and no local policy for bushfire risk management is required to support the amendment.

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

The amendment complies with the requirements of Ministerial Direction - The Form and Content of Planning Schemes (Section 7(5) of the Act).

The amendment also addresses the requirements of Ministerial Direction No 11 Strategic Assessments of Amendments and the Planning Practice Note 46 Strategic Assessment Guidelines (August 2018).

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

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The amendment supports and gives effect to the following relevant Planning Policy Framework objectives and strategies:

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

The amendment will facilitate a Neighbourhood Activity Centre that will meet the needs of the existing community that require such services.

Clause 15-.01-1S *Built Environment and Heritage* which seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. The amendment will facilitate a Neighbourhood Activity Centre that will create a quality local scale retail and commercial space for the surrounding community that is attractive and functional.

Clause 17 *Economic Development* contains policies to generate Employment including:

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

The amendment strengthens and diversifies the local economy by facilitating a Neighbourhood Activity Centre that creates jobs close to home and encourages investment in the surrounding area.

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

- Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
- Locate commercial facilities in existing or planned activity centres.
- Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.
- Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

The amendment to facilitate a Neighbourhood Activity Centre will meet the communities needs for retail, entertainment, office and other commercial services by facilitating the day-to-day convenience shopping and service needs close to where people live.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment implements the following areas of the Local Planning Policy Framework:

- Clause 21.01 *Municipal Profile* and Clause 21.04 *Settlement* identifies that Gisborne will continue to be the major population and employment centre within the municipality, recognising it provides an important source of employment for the local economy with growth to occur within the defined settlement boundaries. The amendment to facilitate a Neighbourhood Activity Centre will service an established residential community that will continue to grow within the immediate area.
- Clause 21.08-3 *Built Environment* promotes sustainable development that respects the character of an area. The amendment will facilitate a Neighbourhood Activity Centre with a built form outcome that respects the surrounding residential properties through the use of appropriate built forms and materials and colours that reflect the palette of the surrounding area.
- Clause 21.10 *Economic Development and Tourism* seeks to generate employment and investment within the Shire. The amendment to facilitate a Neighbourhood Activity Centre will generate employment for the local area and encourage investment from different business types and sizes to contribute to a more robust economy of the Shire.
- Clause 21.13-1 Gisborne and New Gisborne – includes the strategy to provide for two local neighbourhood activity centres to the south and west of the Gisborne area to service new residential areas with basic convenience needs. The area to the 'south' of the Gisborne area specifically relates to the site at 101-105 Willowbank Road, Gisborne.

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

The amendment makes proper use of the Victorian Planning provisions in so far as:

- Applying a Commercial 1 Zone to the land to be used for commercial purposes to facilitate the development of a Neighbourhood Activity Centre. This is the most appropriate zone as it allows for a range of commercial activities akin to the purpose of the Neighbourhood Activity Centre.
- Applying the Design and Development Overlay (DDO) to inform the key development outcomes for the land. This is the most appropriate overlay for the site as it establishes the expectations and requirements of the built form and landscaping so that it is consistent with the character of the area.

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

The views of all relevant agencies will be sought through the exhibition of the amendment.

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

The amendment is not expected to have a significant impact on the transport system or the objectives or decision-making principles of the *Victorian Transport Integration Act 2010*. The Section 96A Application includes a Traffic Impact Assessment by Traffix Group which demonstrates that the Neighbourhood Activity Centre will not have an unreasonable impact on the surrounding road network and there is sufficient capacity that does not warrant any upgrades to the road associated with this proposal. T

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

The cost of the amendment and combined Section 96A Planning Permit Application will be covered by the Applicant. The amendment will not pose unreasonable resource and administrative costs on the Macedon Ranges Shire Council in its normal capacity as the Responsible Authority.

Where you may inspect this amendment

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

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

Macedon Ranges Shire Council Offices and Service Centres at:

- Gisborne Council Office, 40 Robertson Street, Gisborne
- Kyneton Council Office, 129 Mollison Street, Kyneton
- Woodend Library, Cnr Forest and High Streets, Woodend.

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

Submissions

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Any person who may be affected by the amendment and/or planning permit may make a submission to the planning authority. Submissions about the amendment and/or planning permit must be received by **[insert submissions due date]**.

A submission must be sent to:

Macedon Ranges Shire Council
PO Box 151
Kyneton VIC 3444

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

Or, can be sent via email to Macedon Ranges Shire Council at mrsc@mrsc.vic.gov.au.

Panel hearing dates

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

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**

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9.2	FOR DECISION - PLN/2021/592 - BURKE & WILLS TRACK BENLOCH - USE AND DEVELOPMENT OF LAND FOR A DWELLING
Officer:	Koko Cheng, Statutory Planning Officer
Council Plan relationship:	3. Improve the built environment
Attachments:	<ol style="list-style-type: none"> 1. Plan ↓ 2. Land Management Plan (under separate cover) 3. Bushfire Management Statement (under separate cover) 4. Land Capability Assessment ↓ 5. Assessment against Macedon Ranges Statement of Planning Policy ↓
Applicant:	Macaulay Town Planning
Date of receipt of application:	14 December 2021
Trigger for report to the Committee	Councillor Call-in

Summary

The application is for the use and development of the land for the purpose of a dwelling. A Land Management Plan has been provided with the application to support the dwelling, which includes cattle grazing, revegetation and weed management.

The application was advertised and one (1) objection has been received to date.

Key issues to be considered relate to the need for the dwelling on the land. The proposal does not adequately demonstrate or justify that a dwelling is required for sustainable agricultural and conservation management of the land.

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

Recommendation

That the Committee issues a Notice of Decision to Refuse to Grant a Permit to use and development of land for a dwelling for the land at Burke & Wills Track Benloch, LOT 1 TP334568R VIC 3435, on the following grounds:

- 1. The proposal is contrary to Clause 12.01-1S as it will be unable to protect and enhance the biodiversity as the submitted land management plan proposed limited amount of revegetation;**
- 2. The proposal is contrary to Clause 14.01-1S, which seeks to consolidate lots in rural zones. The adjoining land to the south-east is under the same ownership**

with an existing dwelling therefore opportunity exists for consolidation to make it viable for the protection of the conservation values of the land;

3. The proposal is contrary to Clause 16.01- 3S which aims to identify land suitable for rural living and rural residential development. The proposal will be unable to protect the existing environmental qualities such as biodiversity and habitat;
 4. The proposal is contrary to Clause 21.07-1 as it fails to demonstrate and provide adequate justification that the dwelling is required for sustainable agricultural or conservation pursuits;
 5. The proposal is contrary to the purpose of the Rural Conservation Zone in relation to the protection and enhancement of the natural resources, biodiversity and landscape values of the area;
 6. The proposal is contrary to the conservation values specified under Schedule 1 of the Rural Conservation Zone, as it will be unable to enhance the native vegetation and biodiversity of the area; and
 7. The proposal is contrary to the objective of the Statement of Planning Policy in relation to the protection of conservation values of the land.
-

Existing conditions and relevant history

Subject land

The subject site is located at the intersection of Burke and Wills Track and Westcott Lane in Benloch. The land is situated approximately 7.6km northwest of Lancefield Township and approximately 21.2km northeast of the Kyneton Township.

The subject site is irregular in shape having a frontage onto both Burke and Wills Track and Westcott Lane with an overall area of 6.495 hectares. The site is elevated on the southeast boundary and land slopes generally to the southwest and north at overall gradients of between 5 and 10 degrees. The subject site is mostly cleared with a number of large pines towards the west and scattered native vegetation along the western boundary.

Surrounds

Surrounding land is predominately cleared land with a mix of forest, grassland and woodlands. The adjoining lot to the east is an established rural living lot with an existing dwelling and scattered native vegetation. Surrounding land is similarly zoned and affected by similar overlays.

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

The title provided with the application shows that the property is not encumbered by any restrictive covenants and/or Section 173 Agreement.

Previous planning permit history

The site has no relevant planning permit history.

Proposal

The application is for the use and development of the land for the purpose of a dwelling. The proposed dwelling will be located approximately 146m from the south-western boundary and 44m from the south-eastern boundary. The dwelling is single storey, with walls constructed with Timber weatherboard painted in Paperbark finish and a Colorbond in “Woodland Grey” roof.

A Land Management Plan has been provided with the application to support the dwelling, which will include cattle grazing, revegetation and weed management. A Bushfire Management Plan and Land Capability Assessment have also been provided with the application.

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
11.03-3S	Peri-Urban Areas
12.01	Biodiversity
12.05	Significant Environments and Landscapes
13.02	Bushfire
14.01-1S	Protection of agricultural land
14.01-2S	Sustainable agricultural land use
15.01-6S	Design for rural areas
16.01-3S	Rural Residential Development

Local Planning Policy Framework

Clause no.	Clause name
21	Municipal Strategic Statement
21.03	Vision – Strategic Framework Plan
21.04	Settlement
21.05	Environment and Landscape Values
21.06	Environmental risks
21.07	Natural resource management
21.09-2	Rural Residential

Zoning

Clause no.	Clause name
35.06	Rural Conservation Zone (Schedule 1)

Overlay

Clause no.	Clause name
42.01	Environmental Significance Overlay (Schedule 5)
42.02	Vegetation Protection Overlay (Schedule 9)
42.03	Significant Landscape Overlay (Schedule 1)
44.06	Bushfire Management Overlay

Particular provisions

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

General provisions

Clause no.	Clause name
65	Decision Guidelines
65	Referral And Notice Provisions

Cultural Heritage Management Plan assessment

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

Based on the above assessment, a cultural heritage management plan is not required in accordance with Part 2 Division 1 of Aboriginal Heritage Regulations 2018.

The process to date

Referral

Authority (Section 55)	Response
Country Fire Authority	No objection subject to one (1) condition.
Goulburn Murray Water	No objection subject to six (6) conditions.
Southern Rural Water	No objection.
Coliban Region Water Authority	No comment.
Greater Western Water	No objection.

Authority (Section 52)	Response
MRSC Engineering Unit	No objection subject to five (5) conditions.
MRSC Health Unit	No objection subject to two (2) conditions.
MRSC Environment Unit	No objection.

Advertising

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987. One (1) objection to the application has been received. It is summarised as follows:

- Traffic Safety
- Privacy – overlooking
- Risk of impact on water supply quality

Officer assessment

Planning and local policies seek to protect and enhance the natural environment, natural resources and the biodiversity of an area, to ensure that use and development is consistent with sustainable land management, as well as to provide for agricultural uses which are consistent with the conservation of environmental and landscape values. These objectives are reiterated in the purpose of the Rural Conservation Zone.

The proposal is not in keeping with the purposes of the zone and is inconsistent with the objectives of both planning and local policy. The information submitted with the application does not reasonably demonstrate the need for the dwelling in order to protect the environmental values of the land.

Planning Policy Framework

The relevant provisions of these frameworks are associated with bushfire, significant landscapes, waterways, biodiversity and vegetation. Clause 11.03-3S (Peri-Urban Areas) aims for *“growth in peri-urban areas to protect and enhance their identified valued*

attributes", which includes provision of development in established settlements that have capacity for growth having regard to complex ecosystems and landscapes of attractiveness.

Clause 12.01-1S (Protection of Biodiversity) seeks to protect and enhance biodiversity by avoiding impacts of land use and development on important areas of biodiversity. Although no vegetation has been proposed for removal, the proposal fails to avoid impacts on environmental assets, natural resources and features of the landscape as the conservation and management of the site can be achieved without a dwelling on the land.

Clause 13.02-1S (Bushfire Planning) and Clause 21.06 has objectives pertaining to bushfire protection and strengthening the resilience of settlements and communities to bushfire through risk based planning that prioritises the protection of human life. The application was referred to the CFA with no objection has been received in relation to bushfire.

Clause 14.01-1S (Protection of Agricultural Land) seeks to protect the state's agricultural base by preserving productive farmland. The strategies in relation to the objective include:

- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Limit new housing development in rural areas, including:*
 - *Directing housing growth into existing settlements.*
 - *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*
 - *Encouraging consolidation of existing isolated small lots in rural zones.*

Collectively, the policy place great emphasis on the importance in protecting existing rural land from inappropriate development and incompatible uses. The policies also emphasised on encouraging the consolidation of isolated small lots in rural zones.

It is noted that the adjoining land to the south-east is under the same ownership and the opportunity exists for the consolidation of the land and to have better management of the land in terms of its conservation values. The size of the subject site is relatively small and do not require a dwelling to manage the land as the site is relatively clear in terms of vegetation. The adjoining land to the south-east has an existing dwelling therefore this parcel of land can be easily be managed by owners living on the adjoining land. It is, therefore, considered inappropriate to allow an additional dwelling on a small lot where option is available for the consolidation of land for conservation and management purposes.

Clause 16.01- 3S aims to "*identify land suitable for rural living and rural residential development.*" The 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:*

- *Discouraging development of isolated small lots in rural zones from use for rural living or other incompatible uses.*

This policy further reiterates the need to direct rural-residential development to areas which do not impact on the agricultural and conservation land resources. The use and development of the subject site for a dwelling is not consistent with the planning policy in relation to rural and regional development, as it will permanently remove land from conservation and creates an outcome where potential for surrounding land to be used for agriculture or conservation would become further limited. In addition, as discussed above, opportunity exists to consolidate the land in order to achieve conservation and management of the land.

Local Planning Policy Framework

The Municipal Strategic Statement (MSS) identifies the importance of natural resource management within the Shire, with particular emphasis on water catchments, soils and agricultural production. The land use vision stated in Clause 21.03-2 (Land Use Vision) states the following:

- *Agriculture remains an important part of the character and economy of the Shire, especially the high quality soils in the east of the Shire and in the north where there has been less land fragmentation. Effective land management is a key priority.*
- *Protection of water quality, especially potable water supply is fundamental. Land use and development, particularly un-serviced development in open water supply catchments, is minimised and managed to ensure water quality is not compromised.*
- *Development complements the nature and character of the rural landscapes of the Shire. Landscapes, in particular the landscapes around Mount Macedon and Woodend, are highly valued by residents and visitors and facilitate tourism which plays a key economic role in the Shire.*

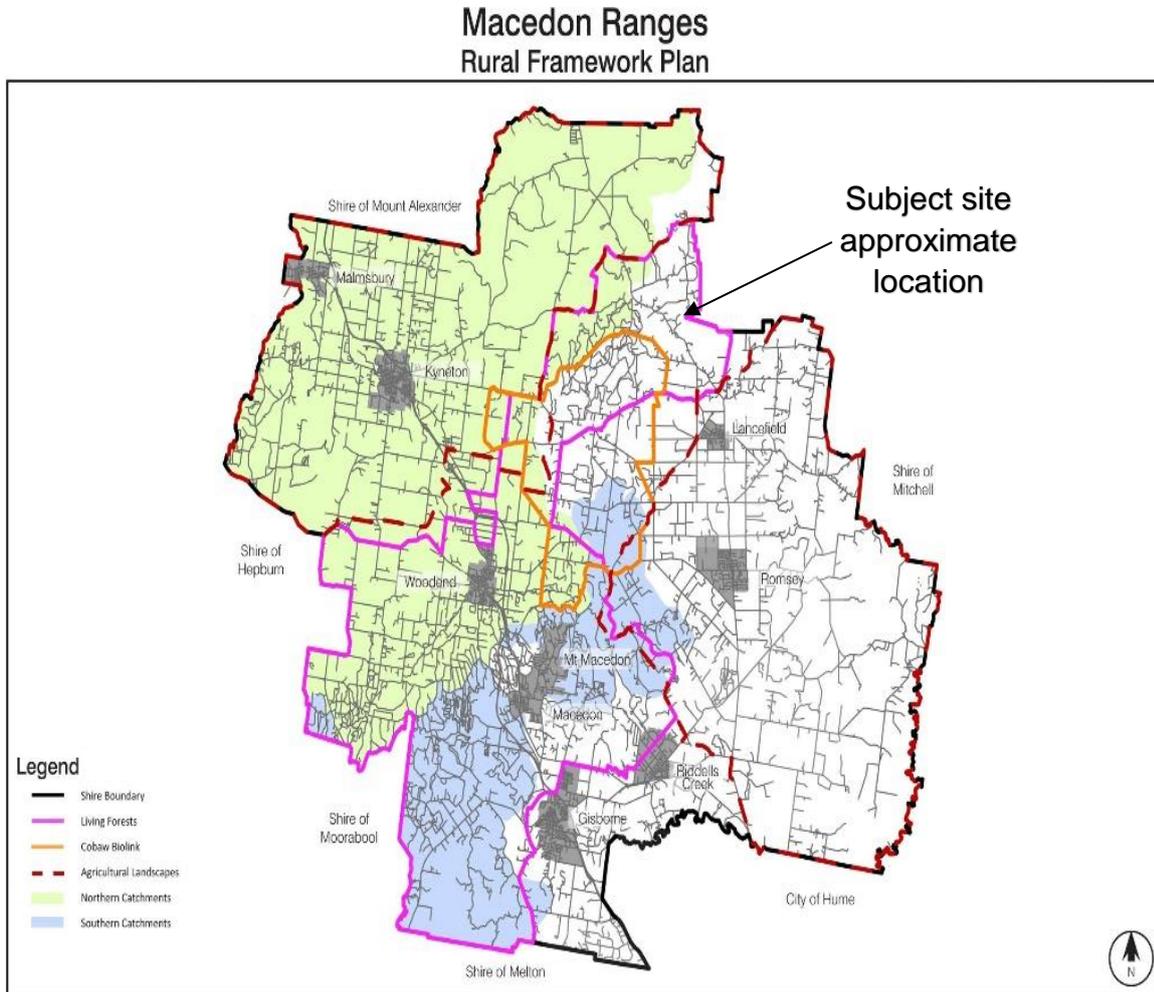
The vision is supported by specific policy objectives which aim:

- *The Shire remains predominantly rural, with a hierarchy of settlements set in an attractive and productive rural environment.*
- *Native vegetation is retained and enhanced, balanced with fire protection considerations. Native vegetation is vital for the environmental health of the Shire and is a significant component of the Shire's character.*
- *Development occurs in an orderly and sustainable manner, maintaining clear distinctions and separations between settlements. A diverse range of residential and commercial opportunities are provided in appropriate locations, including appropriately zoned and serviced land to meet the needs of the Shire's changing demographic. Growth is generally directed to the transport corridors, in-line with infrastructure provision and cognisant of constraints.*

The "Rural Framework Plan" associated with this clause identifies the site being located in an areas of "Living Forests". Development in this area seeks to ensure the protection of the significant and sensitive environmental assets.

Vision and strategic direction for "Living Forests" shown on the Rural Framework Plan is:

Enhance the significant and sensitive environmental assets - including Mount Macedon, forested areas around Woodend, the Cobaw Ranges and special water supply catchments. Limit residential development on existing lots where positive environmental outcomes are achieved and existing vegetation will not be compromised by requirements for dwelling sites, fire protection buffers and other associated infrastructure.



The policy context does not generally encourage dwellings within the Living Forest area, where a positive environmental outcome cannot be achieved. This is reflected in the suite of fairly restrictive planning controls that apply to the land. The development proposed in this instance will not result in positive environmental outcome. The submitted Land Management Plan provided with the application contains some requirements for the management of conservation values that exist on the land however it does not provide adequate justification that the dwelling is required for sustainable rural land management pursuits.

Local policy further emphasises the intrinsic value of agricultural land particularly Clause 21.07-1 (Agriculture) which emphasises the importance of agriculture as an important contributor to the productivity and economy of the shire. Clause 21.07-1 (Agriculture)

provides local context to support Clause 14.01 (Agriculture) of the Planning Policy Framework. The objectives provided within this clause are:

- *To protect agricultural land.*
- *To provide for sustainable, productive agriculture within the Northern Catchments and Agricultural*
- *Landscapes areas identified on the Rural Framework Plan in Clause 21.03, discourage land use and development that is contrary to the vision for these areas and limit expectations of land use change and speculation.*
- *To protect the quality soils of land with high capability for agriculture.*
- *To maximise benefit from high value agriculture.*
- *To encourage the development of alternative agricultural activities in appropriate parts of the Shire.*
- *To facilitate productive agricultural activity and ensure new development is related to the on-going productive use for agriculture.*

Clause 21.09-2 (Rural Residential) is applicable to the proposal as the subject site is zoned Rural Conservation. The relevant objective provided within this clause in relation to the proposal is:

- *To ensure rural residential development is sustainable and gives priority to the environment and landscape.*

Relevant strategy applicable to the proposal to achieve the above objectives is:

- *Ensure any rural residential development promotes and reflects the rural character and activities of the area, responds to landscape values and environmental constraints including potential impacts on water quality, adds to the attractiveness of the area and minimises the visual prominence of buildings in the landscape.*

The surrounding area is rural containing high environmental values and some productive agricultural operations. It is therefore considered that allowing a dwelling on the land would undermine the environmental values and detrimentally impact the current and future use of the surrounding land for agriculture and conservation.

The proposal would result permanent removal of land from productive agriculture and create an outcome where the potential for surrounding land for agriculture would become further limited.

This position is supported by Planning Policy Clause 16.01-3S put in place to guide where rural-residential type should occur. Specifically, this policy requires that “*land not be zoned for rural living or rural residential development if it will encroach on high quality productive agricultural land...*”

The subject site in addition to being part of a larger land holding, is located within high-quality land for agriculture, includes a waterway, has a gentle slope generally to the south-west, and is largely cleared of vegetation, thereby lending itself for agricultural operations (subject to approval). An additional dwelling will alter the nature of the locality and will remove the land from its agricultural potential. Further, the Land Management Plan provided

does not adequately justify the dwelling is required for sustainable land conservation and management practices.

Site management can be achieved by the existing dwelling on the adjoining lot and there is no adequate justification for the residential intensification on the subject site. The proposed use and development of the land for a dwelling, in this case, is considered inconsistent with the policies, which require directing residential development to allocated areas and it also fails to ensure the protection of productive agricultural land in addition to protecting the health of ecological systems and the biodiversity. Therefore, it is considered that having an additional dwelling within the area will not provide any net benefit to preserve or enhance the environmental values of the site.

It is also considered that an additional dwelling will increase the residential density in the area and potentially result in additional pressure on the surrounding environment. Development of existing lots for rural residential purposes should recognise the importance of surrounding agricultural land and the protection of waterways, native vegetation and landscape characteristics.

Rural Conservation Zone (Schedule 1)

The purpose of the zone is to protect and enhance the natural environment, natural resources and the biodiversity of an area, and to ensure that use and development is consistent with sustainable land management. The purpose of the zone also seeks to provide for agricultural uses which are consistent with the conservation of environmental and landscape values.

Schedule 1 to the zone stipulates that the existing forest mosaic is to be protected and enhanced, that the proposed development does not compromise water quality, protect the unique flora, fauna and landscapes, and protect the conservation and landscape values of adjoining public land and the general area.

Pursuant to the provisions of the zone, a permit is required for the use of the land for a dwelling, and buildings and works associated with Section 2 use. The application outlined that allowing a dwelling on this property will allow for and promote the conservation of the subject site. A Land Management Plan has been submitted with the application.

It can be inferred then that rural residential development is needed to ensure environmental values and productive agricultural land is protected rather than to facilitate dispersed and isolated development.

The proposed dwelling will be located in an area that is cleared, however, the environmental conditions on the site as a whole are expected to change to accommodate the dwelling and its associated infrastructure. The purpose of the Rural Conservation Zone does not support the use of land for a dwelling unless the impacts from an environmental perspective are minimal and the use is subservient to the purpose of the zone, which is to protect and enhance environmental values.

Although the revegetation measures outlined in the Land Management Plan includes replanting of 210 canopy trees and 200 medium tree/shrub, which could potentially

contribute to the conservation value of the land, however such pursuit can be achieved without living on the land especially in this situation where the adjoining land is under the same ownership and contains a dwelling.

In a VCAT case *Wash v Nillumbik SC* [2018] VCAT 415, the Tribunal Member addresses environmental values that need to be applied and considered irrespective of the existing lot size and made the following comments:

“I consider the RCZ zone purposes and Schedule Conservation Value are therefore extremely important and integral as to how any ‘permit required’ land use is to be considered and assessed in the RCZ3. These purposes provide the strategic planning policy barometer or measuring stick for the assessment of this particular proposal. In my view this includes considering whether the size of the site is of sufficient size to enable the satisfactory conservation of the identified environmental and landscape values of the site and surrounds to be achieved.

It is also integral to the decision making process that the broader planning policy settings at both State and Local Planning Policy Frameworks are considered when assessing this proposal on the review site. It is not simply a matter of assessing whether the proposal can satisfy relevant provisions in the RCZ at clause 35.06-2 that will determine whether a permit is to issue for this particular proposal. A holistic consideration of relevant State and Local Planning Policies must also be undertaken to determine the merits of this proposal in this particular location.”

In *Kapiris v Macedon Ranges SC (Red Dot)* [2012] VCAT 1969, Presiding Member Bennett and Member Sharpley refused the use and development of a 16-hectare lot for a dwelling under Rural Conservation Zone (Schedule 1). Members made the following comments in relation to the necessity of a dwelling on the land to achieve environmental improvements and considered that the development of a dwelling would be contrary to planning policy seeking to limit such development designated for Rural Living:

“As we have already noted, the Rural Conservation Zone 1 is a rural zone, not a residential zone. A dwelling is a section 2 use and a permit may be granted if it supports the objectives and the decision guidelines of the zone, and is not otherwise ruled out by a consideration of the buildings and works issues dealt with under the relevant overlays. The fact that a lot exists does not itself justify the grant of a permit for a dwelling, even though the land may otherwise remain undeveloped in its current state...”

Although one of the purposes of the Rural Conservation Zone is to provide for agricultural use, there is a very strong, almost overwhelming, focus in the zone purposes to protect environmental and landscape values. The conservation values listed in Schedule 1 make reference to achieving sustainable agricultural practice but also have an overwhelming focus on environmental and landscape values, with particular mention of water supply catchments and native vegetation.

The relatively small lot size and the existence of many small lots in the area does not in itself justify using the land for rural residential or rural living purposes. If that were the case then hundreds and hundreds of small lots in the Rural Conservation Zone (Schedules 1 and 2)

within the municipality could potentially accommodate dwellings without any regard to strategic planning considerations that seek to direct dwellings into specified areas. The existence of a multitude of small lots is a major planning issue in terms of preventing inappropriate incremental development in rural areas, often remote from services and often with significant land management problems. Council has attempted through local policies and zoning to limit the widespread use of such allotments for hobby farm and rural living purposes, while leaving the door open for limited development.”

It is considered that Rural Conservation Zone is a zone that does not support the use of land for a dwelling unless the impacts from an environmental perspective are minimal and the use is subservient to the zone's purpose, which is to protect and enhance environmental values. It is considered that the construction of a dwelling will not have a positive impact on the biodiversity of the area. Whilst this may be the intent of the proponents, typically the introduction of mowing, revegetation, weeds and pathogens (that accompanies development) contributes to the degradation of the environment. The proposal would eventually be for rural lifestyle or rural living purposes, a land use which is not encouraged within the Rural Conservation Zone and which is directed towards existing rural living zoned land.

Environmental Significance Overlay (Schedule 5)

The site is affected by Environmental Significance Overlay Schedule 5. This overlay applies to properties within the water supply catchments and aims to ensure the protection and maintenance of water quality and water yield within regional water supply catchments. Vegetation also has a role to play in improving and assisting in the maintenance of water quality.

Pursuant to the provision of the overlay, a permit is required for buildings and works associated with accommodation (dwelling) not connected with reticulated sewerage.

The application site is not connected to reticulated sewerage and therefore any building may adversely impact the water quality of the area. Development may also result in the loss of vegetation, recognised as a contributor to water quality. The decision guidelines specified in the planning scheme require Council to consider the impact of the use and development on the water catchment; the need to protect or retain vegetation; and any land capability study.

The policies of Clauses 12.03, 14.02, 21.07-3 and 42.01 are similar in nature concerning water quality in the catchment and essentially reflecting the environmental objectives contained within the overlay.

The application was referred to Goulburn-Murray Water, Southern Rural Water, Coliban Water and Greater Western Water, who have responsibilities for water catchment management and protection in the area. Southern Rural Water, Coliban Water and Greater

Western Water have no objection or comment. Goulburn-Murray Water have no objection subject to conditions.

Vegetation Protection Overlay (Schedule 9)

The purpose of this overlay is to protect areas of significant vegetation, to minimise loss of vegetation, to preserve existing vegetation and trees, to maintain and enhance habitat for indigenous fauna and encourage the regeneration of native vegetation. The proposal does not involve removal of any vegetation, therefore a permit is not required under this provision.

Significant Landscape Overlay (Schedule 1)

The intention of this overlay is to identify significant landscapes and ensure the character is conserved and enhanced. The decision guidelines at Clause 42.03-4 require the review of matters such as the significance of the landscape, the need to remove vegetation for bushfire protection, the impact of the proposed buildings and works due to height, bulk, colour, general appearance and vegetation removal, and the extent to which the buildings are designed to enhance or promote the landscape character. A permit is required to construct a building or construct or carry out works.

The proposed dwelling design is considered to be generally appropriate to the significant landscape of the area. The proposed dwelling colours will be in darker muted tones which will be in keeping and respect to the surrounding rural landscape character. The proposed dwelling will have reasonable scale which will not create visual bulk to the surrounding rural landscape.

Therefore it is considered that the proposed dwelling reflects the sensitivity of the area and the importance of preserving the view corridors and general landscape character. The proposal is deemed generally acceptable based on the requirements under this overlay.

Bushfire Management Overlay

Bushfire Management Overlay is applied to areas with an identified bushfire hazard, which requires the Responsible Authority to ensure development is only permitted where risk to life and property from bushfire can be reduced to an acceptable level, prioritises the protection of human life and strengthens community resilience to fire.

A Bushfire Management Plan and Bushfire Management Statement were submitted with the application. The submitted Bushfire Management Statement and Bushfire Management Plan outline requirements and recommendations for bushfire risk mitigation as specified by Clause 53.02 (Bushfire Planning) including dwelling construction standard for Bushfire Attack Level, firefighting water supply, firefighting vehicle access, and defensible space management. The application was referred to the Country Fire Authority who have responded in support of the proposal subject to a permit condition requiring endorsement of the Bushfire Management Plan and the inclusion of the mandatory condition outlined above

requiring compliance with the BMP. The proposal is satisfactorily compliant with the Bushfire Management Overlay.

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 and enhancement of natural resources and the biodiversity is of paramount importance to the policy contained within the planning scheme and to the local and wider community.

The proposal does not justify the need for a dwelling on this site and is considered to be inconsistent with the objectives of planning policy framework and local policies framework of the Macedon Ranges Planning Scheme. As such, it is recommended that the application should be refused.

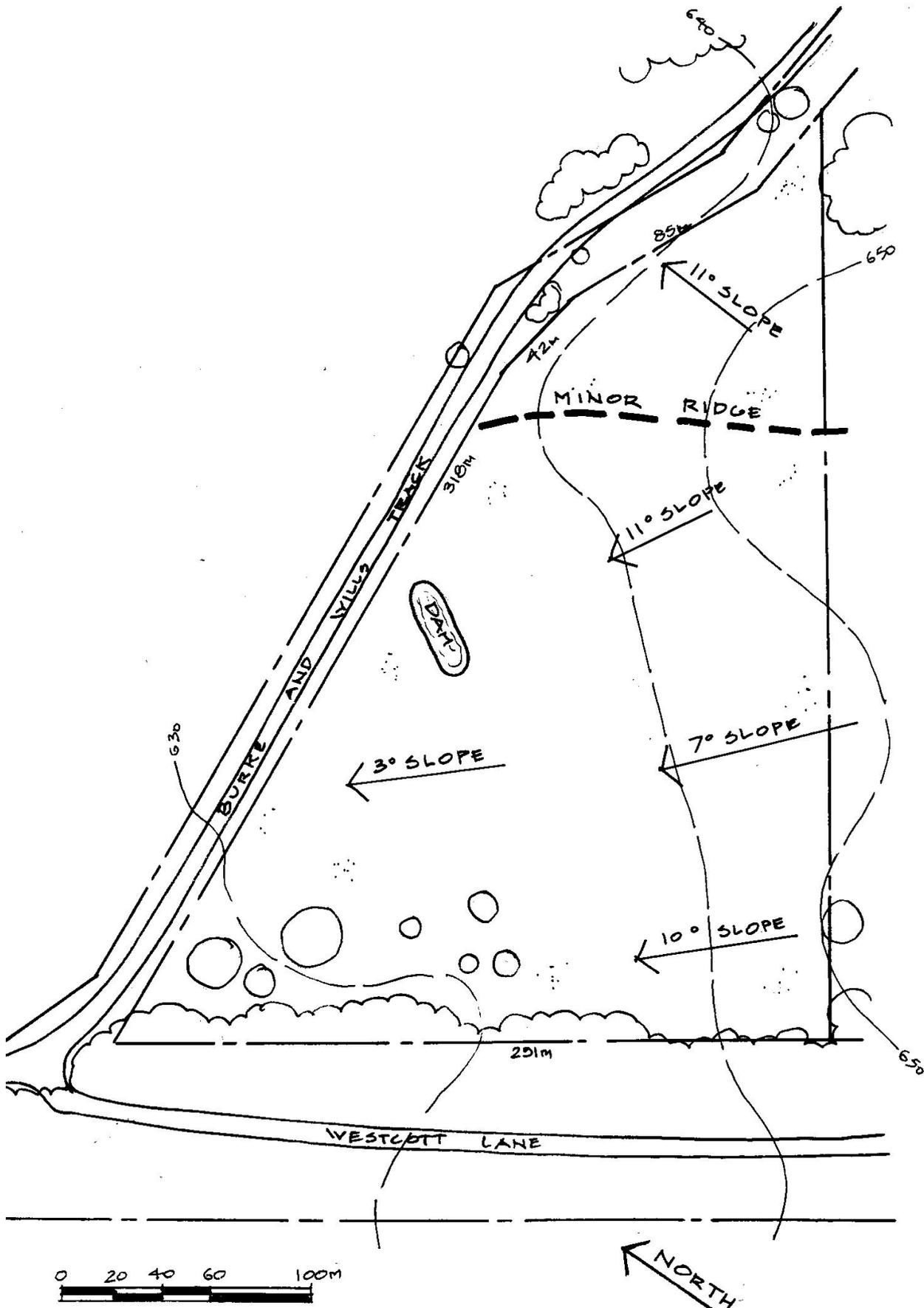


FIGURE 1 EXISTING CONDITIONS PLAN
Lot 1 TP334568R Burke & Wills Track Benloch

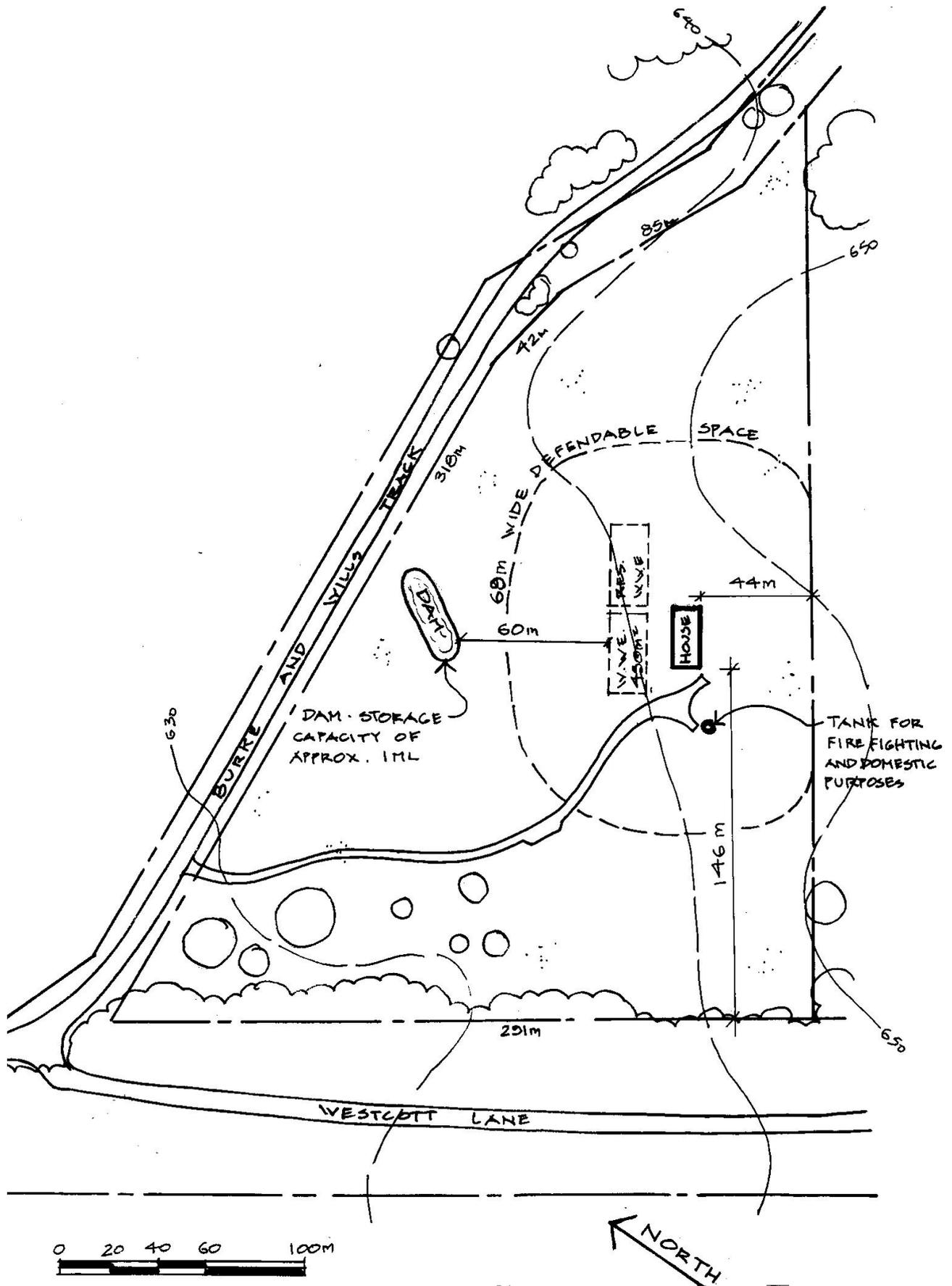
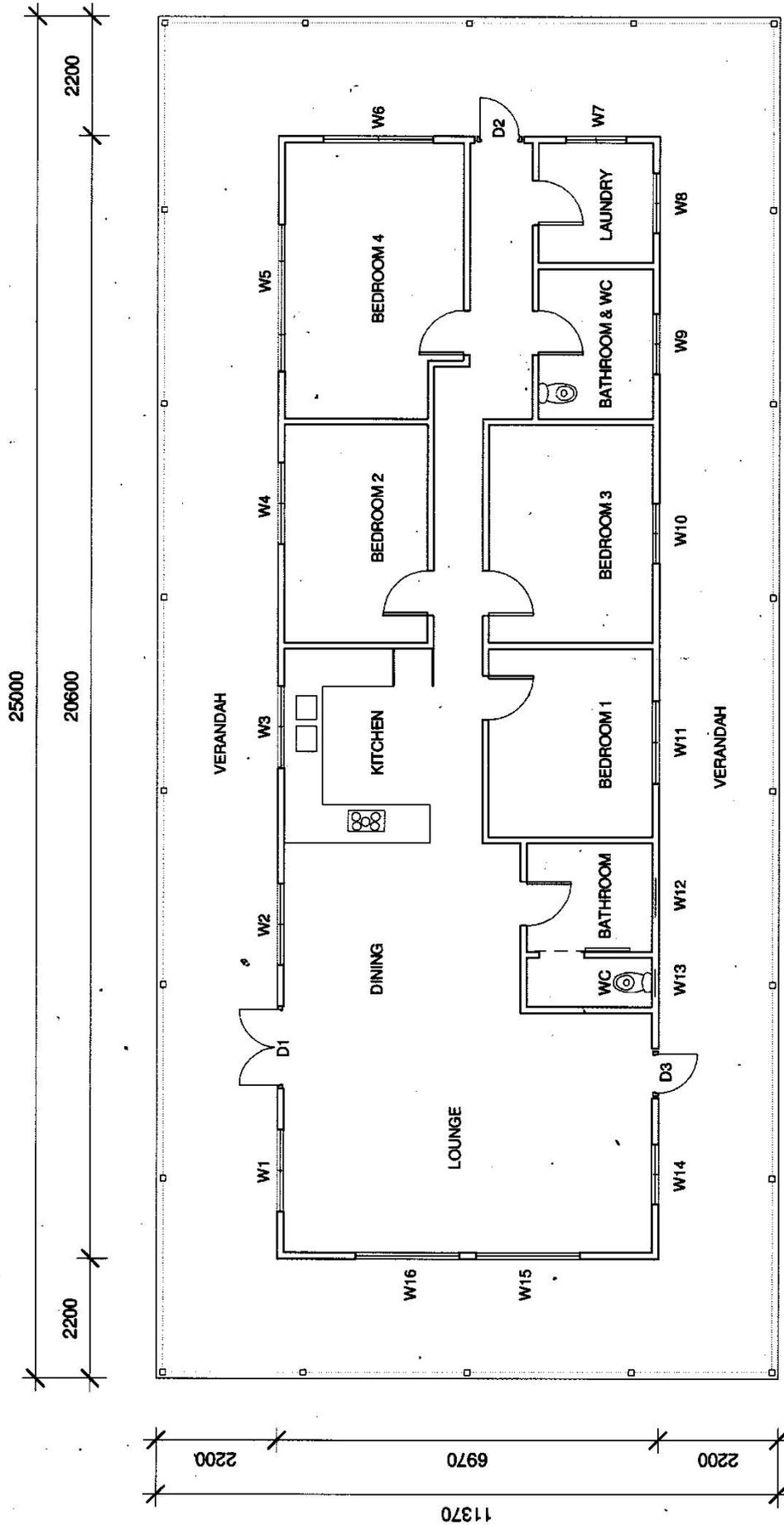
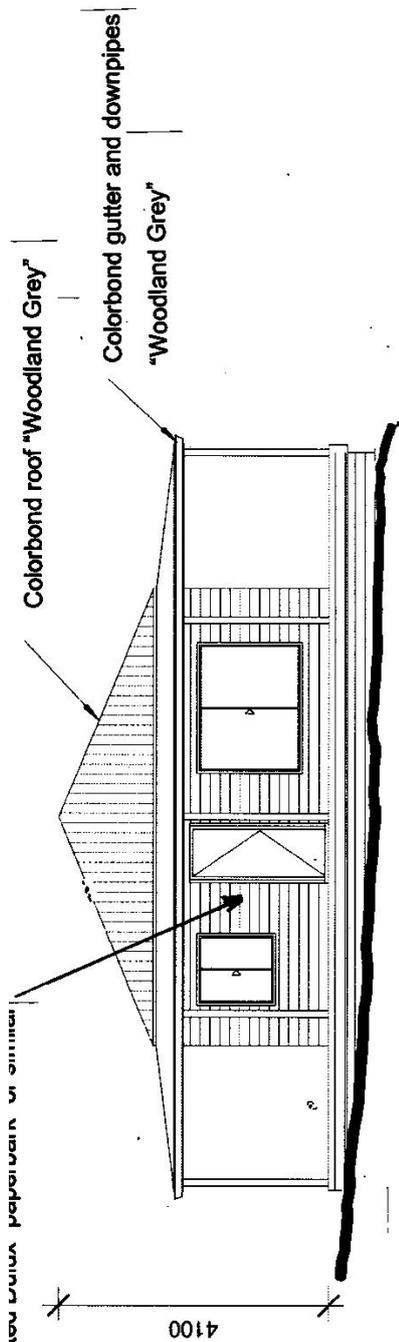


FIGURE 2 PROPOSED SITE PLAN
Lot 1 TP334568R Burke & Wills Track Benloch



FLOOR PLAN 1:100

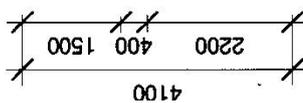
<p>Sam Thompson Regional Planning & Design Pty Ltd 64 Pine Court, Porcupine Ridge 3461 s.thompsondesign@bigpond.com 03 5348 1285 0447 073 107</p>	<p>Client's Name Stephen Hartwig Project Address Lot 1 TP334568R Burke and Mills Track Renloch</p>	<p>Drg. No. 3 Date Scale 1 : 100</p>	<p>PROPOSED FLOOR PLAN</p>
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NORTH EAST ELEVATION

2

1 : 100

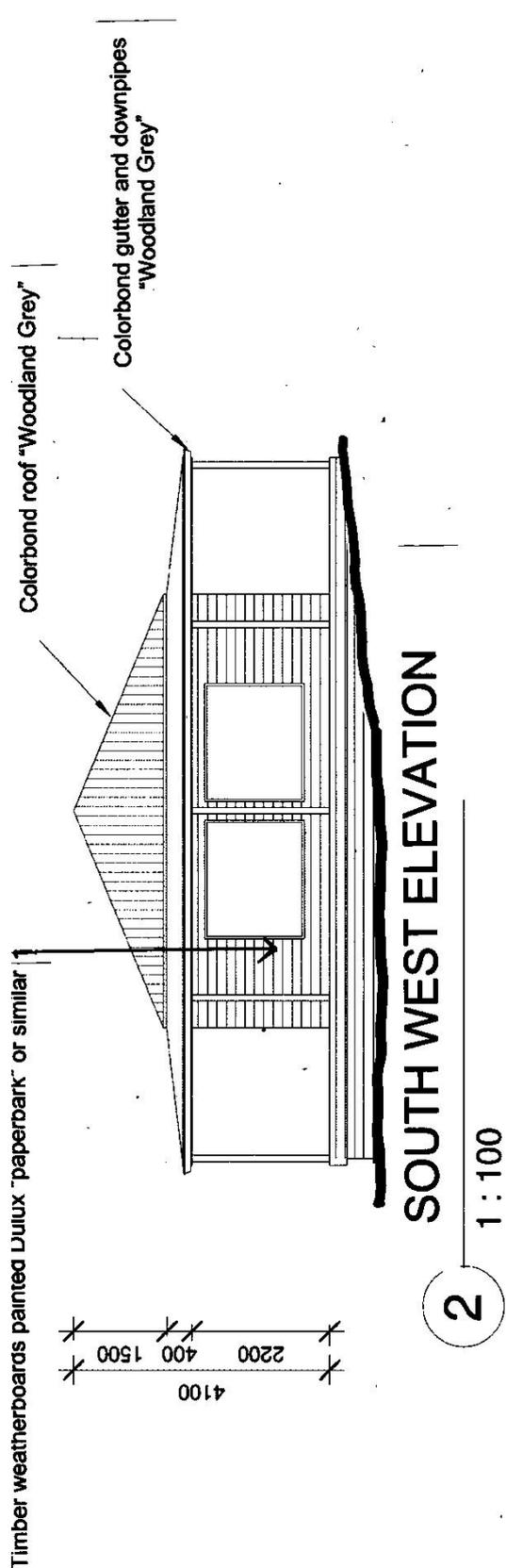


NORTH WEST ELEVATION

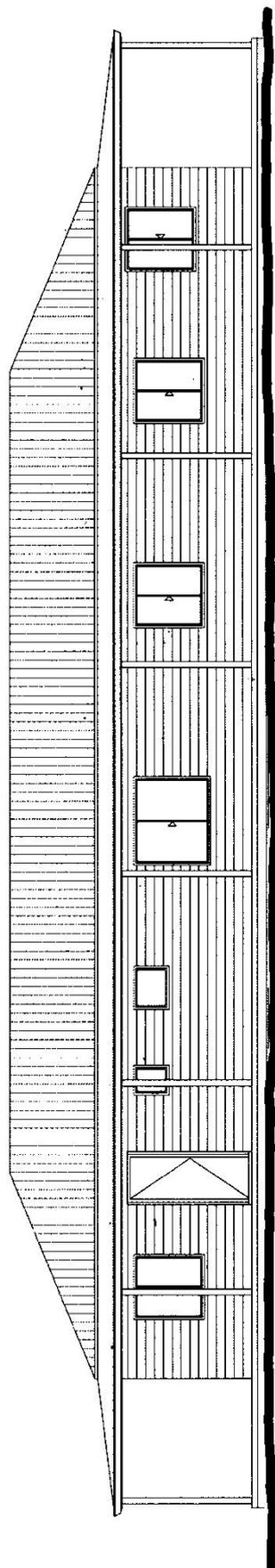
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Sam Thompson Regional Planning & Design Pty Ltd 64 Pine Court, Porcupine Ridge 3461 s.thompsondesign@bigpond.com 03 5348 1285 0447 073 107	Client's Name Stephen Hartwig	Drg. No. 4
	Project Address Lot 1 TP334568R Burke and Wills Track Benloch	Date Scale 1 : 100

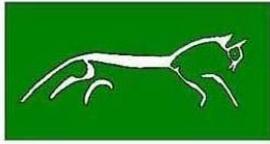


SOUTH WEST ELEVATION



SOUTH EAST ELEVATION

Sam Thompson Regional Planning & Design Pty Ltd 64 Pine Court, Porcupine Ridge 3461 s.thompsondesign@bigpond.com 03 5348 1285 0447 073 107	Client's Name Stephen Hartwig	Drg. No. 5
	Project Address Lot 1 TP334568R Burke and Mills Track Benloch	Date Scale 1 : 100



Archaeo-Environments Pty Ltd
heritage soils and landscape

Lot 1 TP 3344568
Burke and Wills Track

LAND CAPABILITY ASSESSMENT



Land Capability Assessor
Dr Chris Day
Archaeo-Environments Pty Ltd
ABN 89 119 932 437

Rev1 December 14 2020

LAND CAPABILITY ASSESSMENT**Lot 1 TP 3344568 Burke and Wills Track, Benloch****SUMMARY**

A land capability assessment has been commissioned by Sharon Macaulay (Macaulay Town Planning) for development at Lot 1 TP 3344568, Burke and Wills Track, Benloch. It is understood that an LCA is required by Macedon Ranges Shire for planning approval for residential development at this location.

The subject block is irregular and cleared with scattered pines and native vegetation along the western boundary. The block is unoccupied, bounded to the west by native vegetation and developed properties to the north and south. The property is characterised by sloping basalt terrain (2-7%). There is large dam to the north across an area of low lying ground. Soils within the area of the proposed building and waste water envelope are relatively shallow grey basaltic clays above weathered volcanic bedrock to a depth of approximately 60cm+. A field inspection was conducted on November 17, 2020.

The assessment is in general accord with the EPA Septic Code (891.4)(2016) and is focused on the entire property, with a preferred building envelope located on slightly benched ground in the upper/southern part of the block. An area which is suitable for waste water disposal lies to the north-west of the building envelope on open terrain. The waste water envelope is large enough (450m²) to accommodate a primary effluent field. The waste water envelope is well set back from waterways and dams and is buffered from surrounding blocks on all sides.

Waste water discharge (5 bedroom) = 900L/day) on local silty clay soils of moderate percolation rates. Based on the variable depth of bedrock across the preferred waste water envelope, 2 waste water management options are presented :

a) Secondary treatment (treatment plant or sand filter)

Design irrigation rates and water balance estimates generate an area of 430m² necessary for disposal of treated waste water via subsurface irrigation across garden beds within the WWE or gardens/treed area around the new dwelling.

b) Conventional treatment (effluent trenches)

Design loading rates suggest that trench length up to 180m would be necessary with enhanced trench width to mitigate areas of shallow bedrock.

The mapped waste water envelope (450m²) is large enough to allow trench design within the WWE. There is ample area to the north of the mapped WWE for use as a reserve field.

Some excavation of weathered volcanic bedrock or floater will be necessary for establishment of a septic tank and effluent lines. A cover of vegetation should be established in the area of the waste water envelope to improve transpiration and use of subsoil moisture.

ABOUT THE AUTHOR

Dr Chris Day DPhil, MIFA Director, Archaeo-Environments Ltd

Chris has over 30 years experience in geology, geomorphology, soils and heritage work which included 12 years in Bendigo and Benalla with DSE. This included management of catchment and salinity research teams and soil and soil permeability (recharge) mapping as a basis for Dryland Salinity Management Plans across the Avoca, Loddon, Campaspe and Goulburn Broken Catchments.

1 INTRODUCTION

A land capability assessment was commissioned by Sharon Macaulay (Macaulay Town Planning) for proposed development at Lot 1 TP 3344568, Burke and Wills Track Benloch. The property is irregular in shape and about 10ha in area within Macedon Ranges Shire.

Macedon Ranges Shire requires that a Land Capability Assessment (LCA) be carried out as part of the Planning Permit process in relation to a residential development of the subject property. This provision is to ensure that wastewater disposal for any residential development will be as environmentally sustainable as possible.

The LCA approach is conservative, aimed at the protection of environmental (and human) health. It is not intended to support a particular proposal, but rather to describe the existing land parcel and suggest how adverse environmental impacts of the proposal may be minimised. The Septic Tank Code of Practice requires that a Land Capability Assessment should "...allow Council to be fully informed in preparing conditions for the development".

2 BACKGROUND

2.1 BRIEF

The Land Capability Assessment is an assessment of :

- Principal geographic features and soils of the area associated with the proposed development.
- Principal land constraints as they presently relate to the proposal.
- Impact assessment of the proposed development with respect to:-
 - house siting,
 - wastewater treatment and reuse.
 - vegetation,
 - drainage and access
- Summary of land management options to mitigate potential environmental impacts.

Field work was conducted on November 17, 2020.

2.2 DATA SCOPE AND LIMITATIONS

Mapping and assessment has been conducted at a scale of 1 : 1000 and provides a guide and professional overview of site conditions. Terrain mapping, soil properties, climatic and botanical data are based on reconnaissance field-work and regional data sources for the purpose of reasonable and relevant estimates. As physical conditions, soils and local hydrology may vary over time, the overview assessment on which estimates are made in this report are limited to 18 months. The report should be used within the scope and scale of the brief and not for detailed design or property layout works or for any development beyond those of the brief.

The report and recommendations therein are to be used to provide guidance toward - but do not guarantee – planning permission. It is not to be used, in full or in part, by any other party without written permission from the author.

3 LOCATION AND SETTING

3.1 LOCATION

The subject property lies at Lot 1 TP 3344568 at 641 Burke and Will Track, Benloch. The block is cleared and is currently vacant (Fig 1 and 2). The block lies in the upper north-eastern part of the Campaspe Catchment.

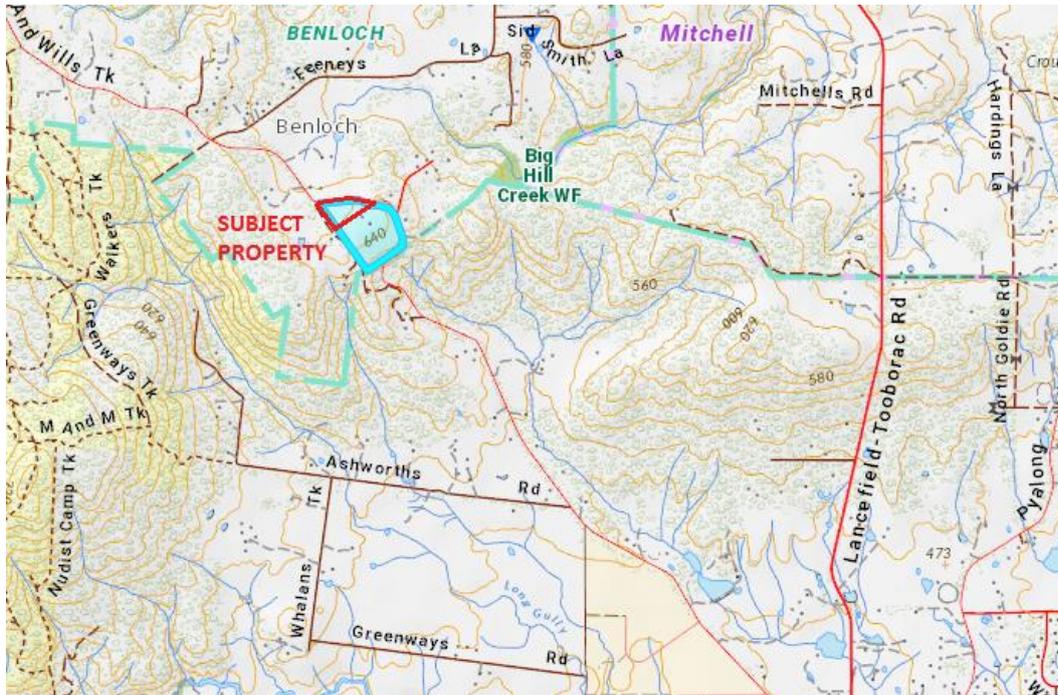


Fig 1 Location map



Fig 2 Location Map showing relevant lot A (purple outline)

3.2 LAND USE/BUILDINGS/INFRASTRUCTURE

The block is the for the most part cleared with ruins of the original Benloch school and Post Office toward the western side of the property. Power is available from Burke and Wills Track.

4 LOCAL LANDSCAPE AND ENVIRONMENT

4.1 TOPOGRAPHY and FEATURES

The subject block is located on a gently undulating hillcrest and midslopes. The upper/eastern part of the block is underlain by a capping of newer volcanic (Neo) bedrock above granite bedrock (G283) across the mid and lower slopes. (GeoVic 1:50000 geology)

Typical profiles are grey-brown loam over greyish silty clay and areas of shallow bedrock.

Locally the block is gently sloping (1-7%) to the north and north-east. General topography of the block can be seen in Fig 1 and Plate 1. The rise from north to south across the property is 620 - 650m ASL. There is some rock outcrop in the mid-elevated sections of the property (Plate 1).



Plate 1 View to north across the eastern part-cleared part of property showing gentle lower slopes.

4.2 SOILS

A site inspection was made of soils within the location of the recommended waste water envelope in the north-east corner of the property and revealed over 65cm of gravelly clay loam. The soil profile is described in Table 1 below and appears to be derived from colluvial parent material (Plates 2 and 3). Local soils have low-moderate permeability (10-20cm/day) equivalent to a Class B soil texture and Design Loading Rate (DLR) of 5L/m²/day in accordance with the EPA Septic Tank Code of Practice (2016).



Plate 2 AH1 auger profile showing silty clay profile.



Plate 3 AH1 View to south

The auger profile description is shown in Table 1 below.

Table 1 Auger hole profile

AH 1 Depth (cm)	Description
0-5	Brown silty loam topsoil
8-45	Grey- brown sl.mottled silty clay
45-60+	Grey silty clay with fragments of parent material
50-70+	Reddish-brown light silty clay with weathered fragments of shaley bedrock

NB Soil properties were observed from hand excavated auger holes, *in situ* profiles in road cuttings and exposures on the block. These included road cuttings and tree throw profiles. Soil descriptions have also been extrapolated from local soil studies and profile description from land systems and geological sources - in this case a description of local soils and land systems from the report *A Study of Land in the Catchments North of Melbourne*:(Jeffrey 1981) .

Soil percolation estimates are based on the authors 12 years experience with the Soil Conservation Authority and later DSE based in Bendigo – work which included infiltration tests across a wide range of soils for dryland salinity research. These tests formed the basis of soil recharge maps which were used in Dryland Salinity Management Plans within the Loddon, Campaspe, Avoca and Goulburn-Broken Catchments.

4.3 CLIMATE

Annual rainfall is 721mm/yr with evapotranspiration at about 1200 mm/yr (source BOM – Lancefield). Rainfall is less than evaporation from October to March. Rainfall distribution and storm events have the greatest impact on land degradation, particularly summer thunderstorms. Soil saturation at the end of high rainfall seasons will limit subsoil drainage.

4.4 VEGETATION

The property is for the most part cleared with some large pines to the west and scattered native vegetation along the western boundary. Ground cover is unimproved grasses with few weeds. Sedges are common within lower lying ground to the north.

4.5 SURFACE DRAINAGE

The property lies in the upper headwaters of the Mollison Creek Catchment – in fact in the extreme north-east part of this catchment - a Proclaimed Water Supply Catchment with drainage via Big Hill Creek about 600m to the north. The block slopes toward the north and north-east with an unnamed drainage swale and large dam in the north-east corner. Otherwise there are no drainage features across the property.

Relevant Observations :

- Slopes are gentle (2-7%)
- Slopes are well grassed and stable.
- There is no evidence of erosion
- Soils are grey silty clays above volcanic bedrock.
- There are some areas toward the north of the block which are seasonally wet.
- There no evidence of springs or dryland salinity on the block.

4.6 WATERTABLE DEPTH

No groundwater bores were observed on the block. There are scattered bores about 500m to the north and south of the subject property. The property lies within an area of gentle terrain near the main catchment divide with the WWE at elevation of about 650mASL. An estimate of the regional

water table can be made with reference to the Visualising Victoria's Groundwater website. This data source interpolates regional bore data and provides contoured watertable depth maps across Victoria. On this basis, the water table within the area of the building and waste water envelope is less than 20-50m.

5.0 INVENTORY AND IMPACT OF CURRENT AND PLANNED LAND MANAGEMENT

5.1 AGRICULTURE

The property is cleared and currently used for occasional stock agistment.

5.2 MINING

There is no evidence of 19C mining within the block.

5.3 BORES AND DAMS

There is a large dam in the northern part of the property. No bores were observed on the property.

5.4 UTILITIES

There is no town water and power would be available from Burke and Wills Track to the east.

5.5 OWNER PLANS FOR BUILDING

It is understood that the Client has no particular preference for dwelling size. For the purpose of this assessment a 5 bedroom dwelling will be assumed. The preferred location of a building envelope is toward the southern lot boundary in an area set back 44m from this boundary on slightly benched terrain and 1-2% slopes in a mid-upper slope location (Plate 3).



Plate 3 View to south across location of building envelope

5.6 WASTE WATER ENVELOPE

A WWE would appear to be suited in the area as follows :

A WWE (450m²) has been assigned to the north-west of the proposed building envelope on gentle 2-3% slopes and shallow volcanic soils (Plate 4). The WWE is well setback from low lying ground and a large dam over 60m to the west (EPA Guideline “*Septic Tanks Code of Practice*” Publication 891.4 (2016)). A reserve field of equivalent size has been assigned to the north of the building envelope (Fig 3).



Plate 4 View to south across WWE.

The owner has no preference for any type of waste water system. The aim of the current LCA is to assess suitability of the block for development of a dwelling and appropriate waste water disposal system. Recommendations for waste water (WW) disposal are discussed in Section 6.5.

Location of both BE and WWEs are shown in Fig 3 below.

Setbacks

The wastewater envelope lies more than 60m upslope from a dam and an unnamed drainage swale in accord with Table 5 (EPA Guideline “*Septic Tanks Code of Practice*” Publication 891.4 (2016)). The waste-water envelope is also well set back from boundary fencelines. The nominated waste water envelope is separated from neighboring blocks and adjoining land uses - a factor which suggests that boundary effects are low.

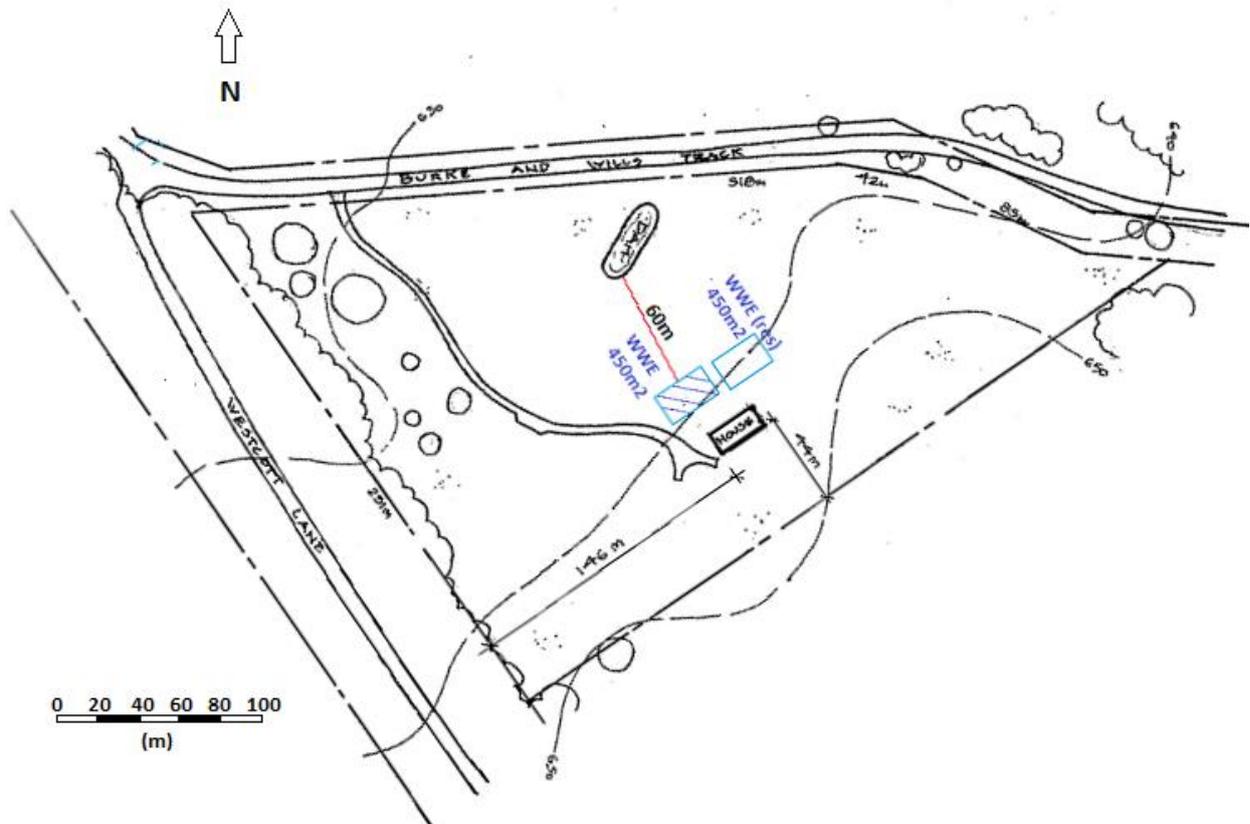


Fig 3 Subject property showing general location of building/waste water envelopes, slope direction and general setting.

6.0 LAND CAPABILITY ASSESSMENT AND RECOMMENDATIONS

INTRODUCTION

The Land Capability Assessment (LCA) provided within this report aims at identifying land constraints associated with any proposed development of the property and to recommend management programs to address these constraints and thereby reduce the environmental impact of the proposed changed land use.

The emphasis is on water management issues and land degradation with an emphasis on the southern part of the subject property which is the area of the nominated building and waste water envelope.

6.1 CONSTRAINTS

For the proposed residential development and wastewater system, the property is considered to present several constraints.

- No sewer connection or town water
- Local soils are relatively shallow basaltic clays.
- Rainfall is moderate exceeding evaporation between March and October will mean that waste-water drainage during these periods will be reduced.

6.2 MITIGATING CIRCUMSTANCES

Factors which mitigate these constraints include :

- The location of the block is in the upper reaches of the Campaspe catchment
- Slopes are gentle and well drained within the area of the WWE.
- The block is well separated from neighbouring land uses with few boundary effects
- The proposed building and waste water envelopes are well setback from waterways and dams
- Summers are expected to dry out soil profiles.

6.3 ASSUMPTIONS

Several assumptions are made regarding this development proposal:-

- That the existing dwelling would have a maximum of 5 bedrooms with estimated daily water use of 900 litres/day.
- It is suggested that these are upper level estimates

6.4 RISK RATING

Considering all of the above factors, the proposed residence is regarded as having a fair (land capability rating 3). The rating is composed from a series of – sometimes mutually exclusive - site characteristics. In other words, it is possible that both low ranking and high ranking factors can be found on the same block. However, in accordance with EPA requirements and LCA guidelines, ***the final rating is based on the most constraining feature.*** In the case of this block, the moderate rainfall generates a fair risk rating (see Appendix A).

6.5 MANAGEMENT

The assessed environmental risk indicates that residential development on this land will need moderate management programs in place to address various issues, particularly on-site domestic wastewater treatment & disposal.

6.5.1 Wastewater treatment and disposal on site

Introduction

While reticulated sewerage would minimize the potential human health impact, this is not likely to occur in the foreseeable future and wastewater associated with the new dwelling on this site will have to be treated and disposed of by an on-site process.

The comments and recommendations below are aimed at limiting the potential human health and environmental risks associated with practical domestic wastewater management for the subject development. The discussion below is in general accordance with the EPA Guideline "Septic Tanks Code of Practice" Publication 891.4 (2016) and the Information Bulletin "Land Capability Assessment for Onsite Domestic Wastewater Management" Publication 746.1.

6.5.2 Treatment

Given the variable soil depth and potential shallow bedrock there are two suggested waste water management options presented below :

A) Secondary treatment : Aerated Package or Sand Filter System

A secondary aerated package is more sophisticated than a standard conventional system and results in higher-grade effluent for disposal. While a smaller septic tank is an advantage, such systems however require quarterly maintenance.

A sand filter system is one option which produces treated effluent and does not require rigorous maintenance. Treated effluent from either treatment plant or sand filter could be used to help maintain gardens within the waste water field or irrigate trees. This will allow more flexibility in dispersing treated wastewater from these systems compared with standard systems.

Treatment

- Treatment should be through an up-graded system carrying a current EPA Certificate of Approval
- Council will need to ensure that Planning Permit conditions associated with the running of the units are met. They must also guarantee that they can implement all EPA Certificate of Approval maintenance and monitoring conditions.

Disposal Field

Treated effluent from a secondary system could be distributed over garden beds around the dwelling or grassed/vegetated areas shown in Fig 3.

- Vegetating the disposal fields with appropriate evergreen species will assist with water and nutrient uptake. This will increase soil-water storage and create a buffer for high rainfall months.

Land application : Waste water envelope

Two methods have been used to estimate required size of land application area (waste water envelope) :

(i) DESIGN IRRIGATION RATE

The critical time for wastewater application will be during the winter period. Based upon the estimated household discharge for a planned net 5BR house (up to 900L/day) and with an application rate (DIR) of 2.5L/m²/day (Class 5c soils based on low- percolation rates on dark brown heavy clay basaltic soils onto a series of raised disposal areas (garden or treed), there would be a requirement for an area of 360m² to address the wastewater disposal needs for any new dwelling on this property.

(ii) WATER – NITROGEN BALANCE

A water-nitrogen balance using various rainfall, environmental and effluent volumes has been generated for proposed discharge from a net 5 bedroom dwelling (Table 3 below)

Table 3 Water Balance (Courtesy P Williams & Assoc.)

Paul Williams & Associates Pty Ltd

WATER/NITROGEN BALANCE (20/30 irrigation): With no wet month storage.

Rainfall Station: Macedon Forestry/ Evaporation Station: Creswick

Location: Benloch

Date: Nov 2020

Client:

ITEM	UNIT	#	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR
Days in month:	D		31	28	31	30	31	30	31	31	30	31	30	31	365
Evaporation (Mean)	mm	A	205	176	124	75	47	27	27	43	66	105	126	152	1168
Rainfall (9th Decile wet year adjusted)	mm	B1	49	52	59	80	101	117	115	123	124	114	83	65	1083
Effective rainfall	mm	B2	44	47	53	72	91	105	104	110	112	102	75	59	975
Peak seepage Loss ¹	mm	B3	161	146	161	156	161	156	161	161	156	161	156	161	1898
Evapotranspiration(IXA)	mm	C1	144	123	87	45	24	12	11	19	36	68	88	106	763
Waste Loading(C1+B3-B2)	mm	C2	261	222	195	129	93	63	68	70	80	127	169	209	1687
Net evaporation from lagoons (10(0.8A-B1x lagoon area(ha)))	L	NL	0	0	0	0	0	0	0	0	0	0	0	0	0
Volume of Wastewater	L	E	27900	25200	27900	27000	27900	27000	27900	27900	27000	27900	27000	27900	328500
Total Irrigation Water(E-D)/G	mm	F	65	59	65	63	65	63	65	65	63	65	63	65	764
Irrigation Area(E/C2)annual.	m ²	G													430
Storage	mm	H	-196	-163	-130	-66	-29	0	-3	-5	-18	-62	-106	-144	0
Actual seepage loss	mm	J	-35	-18	31	90	133	156	158	156	138	99	50	17	1028
Direct Crop Coefficient:		I	0.7	0.7	0.7	0.6	0.5	0.45	0.4	0.45	0.55	0.65	0.7	0.7	Pasture:
Rainfall Retained:	90 %	K	1. Seepage loss (peak) equals deep seepage plus lateral flow: 5mm (<12% ksat)												
Lagoon Area:	0 ha	L	CROP FACTOR												
Wastewater(Irrigation):	900 L	M	0.7	0.7	0.7	0.6	0.5	0.45	0.4	0.45	0.55	0.65	0.7	0.7	Pasture:
Seepage Loss (Peak):	5.2 mm	N	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	Shade:
Irrig'n Area(No storage):	430 m ²	P2	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	Fescue:
Application Rate:	2.1 mm	Q	1	1	1	1	1	1	1	1	1	1	1	1	Woodlot
Nitrogen in Effluent:	30 mg/L	R	NITROGEN UPTAKE:												
Denitrification Rate:	20 %	S													
Plant Uptake:	220 kg/ha/yr	T													
Average daily seepage:	2.8 mm	U													
Annual N load:	7.88 kg/yr	V													
Area for N uptake:	358 m ²	W													
Application Rate:	2.5 mm	X													

Species:	Kg/ha.yr	pH	Species:	Kg/ha.yr	pH	Species:	Kg/ha.yr	pH
Ryegrass	200	5.6-8.5	Bent grass	170	5.6-6.9	Grapes	200	6.1-7.9
Eucalyptus	90	5.6-6.9	Rye/clover/fescue	250	6.1-6.9	Lemons	90	6.1-6.9
Lucerne	220	6.1-7.9	Clover	180	6.1-6.9	Cunn'a	220	6.1-7.9
Tall fescue	150-320	6.1-6.9	Oats	60	6.0-7.9	P radiata	150	5.6-6.9
Rye/clover	220		Sorghum	90	5.6-6.9	Poplars	115	5.6-8.5

Based on Water-Nitrogen Balance Calculations shown above which assume 900L/day waste water use and effective rainfall, evapotranspiration and soil seepage parameters, the irrigation area (no wet month storage) = 430m²

NOMINATED WW APPLICATION AREA

(i) According to DIR estimates cited above, the estimated irrigation area = 360m²

(ii) According to Water - Nitrogen Balance* above the estimated irrigation area (no storage) = 430m²

*This value is highly dependent on (conservative) soil percolation estimates and an overestimate of monthly rainfall.

Accounting for both methods of WWE approximation, the more conservative estimate from the Water Balance indicates the area required for land application = **430m²**. As discussed there is sufficient area for design of a waste water field within either WWE (450m²) shown in Fig 3.

General management (secondary system)

An estimated area of sand filter would be 18m². Final design of the WW field will be subject to plumbing design or advice and could potentially be designed to irrigate gardens and vegetation near the planned dwelling.

- Application should be through a series of sub-surface drippers or soaker lines installed throughout the WWE (garden/tree beds).
- Installation may encounter shallow bedrock which may require some additional excavation work.
- Final design and length of dripper lines (up to 430m) will be subject to plumbing advice and should be evenly distributed across the entire prepared disposal field.
- No wastewater should come into direct contact with vegetables, fruits or herbs intended for human use or consumption.
- The WWE should be re-vegetated with shrubs and trees to enhance transpiration and maximize soil-water storage, particularly during winter months.
- The active disposal field should be restricted from access by vehicles, children, pets and visitors.
- At any future change of occupier, the relevant wastewater management program should be reassessed by Council, and new tenants should be made familiar with management and permit requirements.
- If there are plans for house extensions, or if connection to town water takes place, the wastewater management program should be reviewed by Council.

B) Conventional system

A conventional system is a passive system which does not require connection to electricity. If carefully located, installed and routinely inspected there should be a low risk of failure or break down. A conventional system can also be used for intermittent occupancy patterns. Installation of effluent trenches at this site are likely to be constrained by variable soil depth and shallow bedrock.

Treatment

- Treatment should be via a septic tank having an EPA Certificate of Approval and with fittings meeting Australian Standards AS1546.
- The tank should be inspected annually and pumped out every three years or earlier if required. Pump outs should be reported to Council.

Disposal Field

- As described in section 5.6 the waste water envelope is suggested to the north-west of the planned residence (Fig 3).

Sizing of waste water area – proposed net 5 bedroom dwelling

The effluent application area (waste water field) can be approximated by reference to the Design Loading Rate (DLR) method.

Design Loading Rate (DLR)

*Based upon the estimated household discharge for a net 5 bedroom dwelling (900 litres/day) and with an application (design loading rate) of 5.0L/m²/day (based on general percolation rates on deep gradational soils (EPA Septic Code (Table 9)) onto a disposal area (garden or treed), there would be a requirement for an area of **180m²** to address the wastewater disposal needs for any new dwelling on this property.*

The WWEs shown in Fig 3 reflects an area of 450m² which is large enough to accommodate a primary field. There is ample area to the east of the primary WWE for allocation of a reserve field of equivalent area.

Trench length and layout

There is ample room for design of a waste water field of these dimensions shown in Figure 3. According to the Australian Standards (AS 1547-2012) trench length can be estimated according to the formula : $L = Q/DLR \times W$ where :

L =	required trench length	(?)
Q =	effluent volume	900L
D =	design loading rate (m/day)	5mm/day
W =	trench width	1m

Using the above formula, the required trench length would be = 180 metres. It is considered at this setting that 160-180m would be sufficient length. Layout design may vary, with 4 trenches (such as 40-50m long, 70-80cm+ wide and 60cm deep) with appropriate setbacks. Other configurations may suit, subject to site conditions and plumbing contractor advice. **It is considered that a wider trench width would mitigate the fact that soils within the WWE appear to be less than 70cm in some part.**

General

- The active disposal field should be restricted from access by vehicles, children, pets and visitors.
- Land for a reserve disposal fields (of at least equivalent size to the primary area plus the required setback buffer distances) has been assigned to the north of the primary envelope shown in Fig 3. The reserve area should not be used for the construction of buildings or tracks.
- Local soils are about 50-60cm deep above basalt bedrock and some excavation work may be necessary to install trenches within areas of shallow bedrock. There may be areas of more shallow soils within the WWE. For this reason trench width may need to be 70-80cm+ wide.

- The waste water field should be established with vegetation to enhance transpiration and soil-water use.
- At any future change of occupier, the relevant wastewater management program should be reassessed by Council, and new tenants should be made familiar with management and permit requirements
- If there are plans for house extensions or additional use, the wastewater management program should be reviewed by Council.
- No wastewater should come into direct contact with vegetables, fruits or herbs intended for human use or consumption.

6.5.3 4 bedroom option

The above estimates have been generated for a 5 bedroom dwelling. If a 4 bedroom dwelling (750L/day) was proposed the following WWE area would apply :

Secondary system

DIR method	360m ²
Water Balance	370m ²

Conventional system

DLR method	150m ² (120-130m trench length)
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7.0 LIMITATIONS OF THIS REPORT

This report is solely for the use of Client Sharon Macaulay, owner Stephen Hartwig and Macedon Shire. Any reliance of this report by third parties shall be at such party's sole risk and may not contain sufficient information for purposes of other parties or for other uses. This report shall only be presented in full and may not be used to support any other objective than those set out in the report, except where written approval with comments are provided by Archaeo-Environments Pty Ltd.

Limitations are summarised in Appendix B. This document is not intended to reduce the level of responsibility accepted by Archaeo-Environments Pty Ltd but rather to ensure that all parties who may rely on this report are aware of the responsibilities each assumes in so doing.

**APPENDIX A
LAND CAPABILITY RATING**

	Land Capability Class Rating				
Land Features	Very Good (1)	Good (2)	Fair (3)	Poor (4)	Very Poor (5)
General Characteristics Site Rating					
Site drainage/runoff	very slow	slow	moderate	rapid	very rapid
Flood/inundation potential (yearly return exceedance)	never		<1 in 100	<1 in 20	>1 in 20
Slope (%)	0-2	1-2%	8 to 12%	12 to 20	>20
Landslip		never			Present or past failure
Seasonal water table depth (m)	>5	> 8	2.5 - 2	2.0 - 1.5	<1.5
Rainfall (mm/yr)	<450	450 - 650	650 - 750	750 - 1000	>1000
Nature of development (% of allotment)	>80	70 – 80	60-70	50-60%	<50
Pan Evaporation (mm/yr)	>1500	1250 - 1500	1000 - 1250		<1000
Water supply (reticulated or tank water)	tank	Tank/reticulated	tank		
Soil Characteristics					
Structure	High	Moderate-good	Weak	Massing	Single Graded
Profile depth	>2	0.8 – 1m		1.5 - 1.0	<1
Percolation (mm/hr)	50 - 75	12-18 mm/hour	15 - 20 150 - 300	300 - 500	<15 >500
Limestone deposits		nil		Present	Present
Emersion test	4, 6, 8	N/a	7	2, 3	1

APPENDIX B LIMITATIONS

This report has been prepared for the specific purpose outlined in the proposal and no responsibility is accepted for the use of this document, in whole or part, in other purposes or contexts.

The scope and period of services are as described in the proposal. Conditions may exist which were undetectable given the limited nature of the enquiry AE Ltd was engaged to assess with respect to the site. Conditions may vary between sample sites, with special conditions within the study area not revealed by the assessment and which have therefore not been accounted for in the report. Additional studies and actions may therefore be required.

It is recognised that time affects the information and assessment provided in this report. The opinions of AE Ltd are based on information current at the time the report was produced. It is understood that the services provided by AE Ltd lead to opinions based on the actual conditions of the study area at the time the study area was visited. These opinions cannot be used to assess effects of any subsequent changes in the quality of the site or its surroundings or any laws and regulations.

Any advice made in this report, are based on conditions from published sources and the investigation described herein. Where information provided by the client or other sources have been used, it is assumed that the information is correct unless otherwise stated. No responsibility is accepted by AE Ltd for incomplete or inaccurate data supplied by others.

This report is provided for the sole use by the client. Any use a third party makes of this report or any reliance on decisions made based on it is the sole responsibility of such third parties. AE Ltd accepts no responsibility for any damages incurred by a third party as a result of decisions made based on this report.

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Consistency of the proposal with the Statement of Planning

Policy:

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.			X		
		Manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced.		X		The proposal fails to ensure the protection and enhancement of important natural features. It will result in an unreasonable impact upon biodiversity and environmental value of the land.
		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				X		

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	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.		X	As discussed in the submission that the subject land is within "Living Forests" area identified in Rural Living Framework. The subject site contributes to the significant and sensitive environmental assets. The proposal involves use and development of a dwelling which will be unable to achieve this objective.
		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		X	Adjoining land to the southeast is under the same ownership and the ecological works can be occurred and managed on the land as the owners of the land live on the adjoining property to the east.
		Establish and improve bio links to connect high-value ecological areas, including areas along waterways and areas within and between towns.		X	As discussed in the submission that the subject land is within "Living Forests" area identified in Rural Living Framework which contributes to the significant and sensitive environmental assets. Although no vegetation is proposed to be removed, the proposed use and development of a dwelling will be capable of being read in the landscape. The development proposed in this instance will not result in positive environmental outcome. It is therefore considered not consistent with the overlay's intent to protect environment assets in this area to pursue the "Living Forest" vision.
		Minimise the effects of weeds and pest animals on biodiversity values by establishing and implementing best practice land management plans.		X	It is acknowledged that the applicant has provided a Land Management Plan. Question for this application is whether the improved environmental outcomes referred in the land management plan can be achieved without a dwelling on the land, and whether it is necessary to reside on the land in order to better manage vegetation, control pest plants

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						and undertake other land conservation and rehabilitation activities. While there are potential management benefits in living on the land and doing tasks on a day-to-day and perhaps spontaneous basis, however those benefits outweigh the broader policy outcomes seeking to limit dwellings on small lots in rural areas of the municipality dwelling on the land, and whether it is necessary to reside on the land in order to better manage vegetation, control pest plants and undertake other land conservation and rehabilitation activities.
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.		✓			The site is located within special water supply catchment area. Application was referred to relevant water authorities and no objection was raised in relation to impact on the water quality in the 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.				

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4.	To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.				N/A	The site is not located within Cultural Heritage Sensitivity area.
		With Traditional Owners, identify, protect, conserve and enhance sites, landscapes and views of Aboriginal cultural significance, consistent with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans.			N/A	
		With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning and managing land use and development, water and other environmental resources.			N/A	
5.	To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.				N/A	
		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.				
		Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.				
6.	To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.				N/A	
		Encourage the use of rural-zoned land for agricultural purposes and encourage the use of high-quality soils for soil-based agriculture.				

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		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).				
		Support agricultural practices that improve soil health and respond to and encourage adaptation to climate change.				
		Encourage measures to ensure agricultural practices protect and enhance soil quality, water quality, biodiversity and native plants and animals.				
		Manage the effects of rural land use and development on important environmental and cultural values.				
		Restrict the supply of rural-living-zoned land to conserve and protect agricultural practices.				
		Protect strategic extractive resource areas and existing quarry operations from encroachment from inappropriate development.				
		Proposals to establish an extractive industry must adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.				
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.				X		

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	<p>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.</p>				
		<p>Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.</p>	X		<p>Planning policies in Macedon Ranges Planning Scheme seek to direct urban development within existing townships and seek to discourage residential development in significant vegetated areas and area with sensitive environmental values. It is considered that dwelling is contradictory to the primary purpose of the zone which seeks to protect conservation values.</p>
		<p>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).</p>	X		<p>The dwelling has been proposed in Rural Conservation Zone which is contrary to this strategy.</p>
		<p>Encourage infill development that respects the townships' character.</p>		N/A	
		<p>Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.</p>		N/A	
		<p>Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.</p>		N/A	
		<p>Encourage provision of an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services.</p>		N/A	
		<p>Encourage the use of voluntary Cultural Heritage Management Plans.</p>		N/A	

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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.	✓			
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.			N/A	
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.			N/A	
		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.			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.			N/A	
10.	Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.				N/A	
		Support community and government planning for disaster preparedness and climate resilience.			N/A	

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		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	