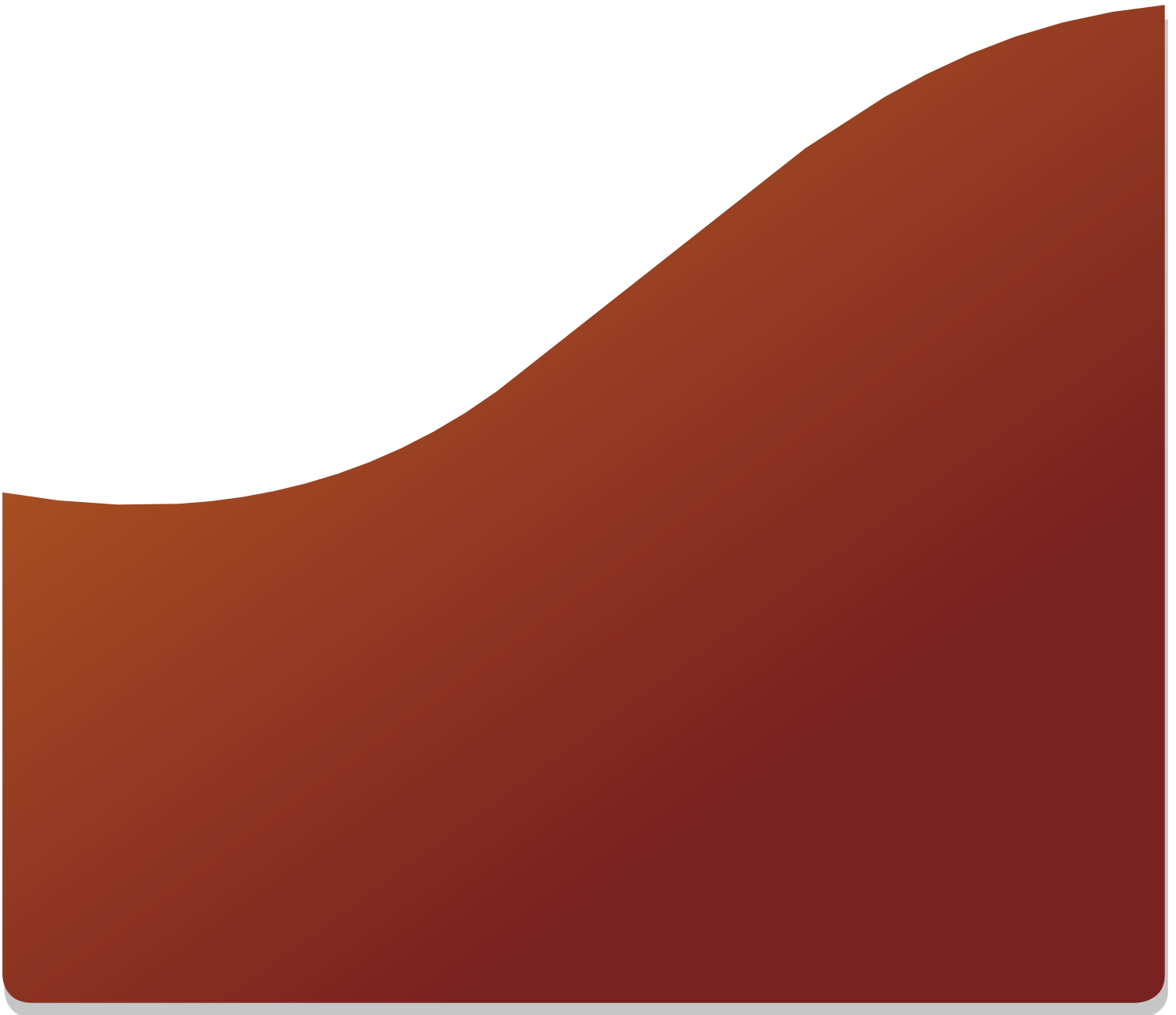


# Minutes

**Planning Delegated Committee Meeting  
Wednesday 10 May 2023 at 7pm  
Held online and livestreamed at [mrsc.vic.gov.au](https://mrsc.vic.gov.au)**



**Order of business**

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**1 ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

This meeting was 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**

Cr Annette Death (Mayor), Cr Jennifer Anderson (Deputy Mayor), Cr Dominic Bonanno, Cr Rob Guthrie, Cr Anne Moore, Cr Geoff Neil, Cr Janet Pearce, Cr Mark Ridgeway, Cr Bill West

**IN ATTENDANCE**

Bernie O'Sullivan (Chief Executive Officer), Rebecca Stockfeld (Director Planning and Environment), Patricia Clive (Coordinator Governance), Lucy Olson (Senior Governance Officer – Council Business)

**4 APOLOGIES**

Nil

**5 CONFLICTS OF INTEREST**

Cr Ridgeway declared a general conflict in relation to item 9.2 due to a being an acquaintance of some of the objectors.

**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****Committee Resolution**

Moved: Cr Jennifer Anderson  
Seconded: Cr Rob Guthrie

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**That the Committee confirm the minutes of the Planning Delegated Committee of Macedon Ranges Shire Council held on 12 April 2023, as circulated.**

**CARRIED**

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## **8 HEARING OF SUBMITTERS**

Five speakers addressed the Committee on planning permit PLN/2022/461 - Use and development of the land for a Dwelling, Development of a Studio and Two (2) Agricultural Buildings and Use of the Land for Horse Husbandry (Two (2) Horses) - Lot 1, Gradys Lane, Kerrie.

- James Murray - Zoom
- Tamsyn Murray - Zoom
- Rosy McClean - Zoom
- Rosy McClean (on behalf of Wayne Ingleton) - Zoom
- Chris Banon (Applicant) – Zoom

Two speakers addressed the Committee on planning permit PLN/2022/376 - development of the land for two (2) dwellings - 1 Thom Street, New Gisborne.

- Greg Edwards - Zoom
- Lynne Piacentini (Owner) – Zoom (audio only)

### **8.1 HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2022/461 - USE AND DEVELOPMENT OF THE LAND FOR A DWELLING, DEVELOPMENT OF A STUDIO AND TWO (2) AGRICULTURAL BUILDINGS AND USE OF THE LAND FOR HORSE HUSBANDRY (TWO (2) HORSES) - LOT 1, GRADYS LANE, KERRIE**

#### **Committee Resolution**

Moved: Cr Rob Guthrie  
Seconded: Cr Geoff Neil

#### **That the Committee**

- 1. Notes the submissions received in relation to PLN/2022/461 - Use and Development of the Land for a Dwelling, Development of a Studio and Two (2) Agricultural Buildings and Use of the Land for Horse Husbandry (Two (2) Horses); and**
- 2. Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the next Planning Delegated Committee Meeting on 14 June 2023.**

**CARRIED**

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## 8.2 HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2022/376 - DEVELOPMENT OF THE LAND FOR TWO (2) DWELLINGS - 1 THOM STREET NEW GISBORNE

### Committee Resolution

Moved: Cr Anne Moore  
Seconded: Cr Mark Ridgeway

### That the Committee

1. Notes the submissions received in relation to PLN/2022/376 - Development of the Land for Two (2) Dwellings; and
2. Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the next Planning Delegated Committee Meeting on 14 June 2023.

CARRIED

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## 9 REPORTS

### 9.1 REQUEST AUTHORISATION FOR A COMBINED PLANNING SCHEME AMENDMENT (C147MACR) AND PLANNING PERMIT APPLICATION PLN/2022/354 - BENETAS RETIREMENT VILLAGE

#### Summary

Council has received a request from the owners of 5, 6 & 10 Neal Street, 80 Hamilton Street and 61 Robertson Street, Gisborne to rezone the part of land from the current Special Use Zone to the General Residential Zone and to remove the restrictive covenant that applies to the land.

The request also seeks a planning permit for the development of a retirement village, removal of native vegetation (one tree) and alterations to the access to a Transport Zone 2 (Principal road network). Section 96A of the *Planning and Environment Act 1987* provides the ability for a planning permit application to be considered concurrently with a planning scheme amendment.

At 8:00 pm, Cr Bill West left the meeting. At 8:00 pm, Cr Bill West returned to the meeting.

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### Committee Resolution

Moved: Cr Dominic Bonanno  
Seconded: Cr Geoff Neil

### That the Committee:

1. Requests the Minister for Planning authorise preparation of Planning Scheme Amendment C147macr and Planning Permit PLN/2022/354 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 C147macr and Planning Permit PLN/2022/354, and**
  - (a) **Upon receipt of authorisation from the Minister for Planning, make any changes necessary to comply with conditions of authorisation**
  - (b) **Upon satisfaction of any conditions of authorisation, exhibit Amendment C147macr pursuant to section 19 of the *Planning and Environment Act 1987*.**

**CARRIED**

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Having previously declared a conflict of interest in relation to this item, Cr Ridgeway left the meeting at 8:05 pm and did not return.

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**9.2 PLN/2022/421 - 85 HARPERS LANE, KYNETON - SIXTY FIVE (65) LOT SUBDIVISION, REMOVAL OF NATIVE VEGETATION, AND REMOVAL OF EASEMENTS E-1 AND E-4**

**Summary**

The application is to subdivide the land in sixty five (65) lots, to remove native vegetation, and to remove two electricity supply easements. The land is zoned Low Density Residential Zone and is subject to Environmental Significance Overlay (ESO4).

The application was advertised and sixteen (16) submissions were received.

Key issues to be considered relate to neighbourhood and landscape character, environment and natural resources, roads and infrastructure.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is considered consistent with the relevant policies. On balance it is considered that the proposal accords with the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zone, overlay, particular provisions and general provisions, as well as the findings of the previous VCAT appeal decision relating to a higher density format of subdivision of the subject land.

**Committee Resolution**

Moved: Cr Janet Pearce

Seconded: Cr Geoff Neil

**That the Committee determine to issue a Notice of Decision to Grant a Planning Permit for the proposed Sixty Five (65) Lot Staged Subdivision, Removal of Native Vegetation, and Removal of Easements E-1 and E-4 at Lot 2 PS827043, 85 Harpers Lane Kyneton, subject to the following conditions:**

1. **Before the plan of subdivision is certified for Stage 1 under the *Subdivision Act 1988*, and the commencement of works for the approved subdivision, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted with the application, but modified to show:**

- (a) The subdivision plan (staging plan) amended to include all dimensions for lots, reserves and roads;
  - (b) The building envelope plan amended to include:
    - (i) The setback for Lots 54 and 65 from the adjacent property to the south amended from 10m to 15m;
    - (ii) rear setbacks for Lots 26-31, 37-41, 46, 48-52, 55-59 and 62-64 amended from 10m to 5m;
    - (iii) all setbacks and dimensions of building envelopes for all lots, the dimensions/setbacks for retained Tree #1 and its Tree Protection Zone within Lot 2; and
    - (iv) modification of annotations relating to building envelope restrictions such that no buildings (including outbuildings) may be constructed outside of the approved building envelopes;
  - (c) Details of the construction of the sewerage pump station and electrical substation(s) in addition to effective landscaping and other means of providing visual screening and mitigation;
  - (d) Details for the relocation of the trunk and any large branches of Tree #6 within Lot 45 (once removed in accordance with this permit) to be incorporated into the landscaping for retained native vegetation within reserve(s) forming part of this subdivision;
  - (e) The landscape plan requirements of Conditions 3 of this permit;
  - (f) The MRSC Engineering requirements of Condition 13 of this permit; and
  - (g) The native vegetation offset evidence requirements of Department of Energy, Environment and Climate Action Conditions 64 and 65 of this permit.
2. The subdivision, removal of native vegetation, and removal of easements allowed by this permit and shown on the plans endorsed to accompany the permit shall not be amended for any reason unless with the prior written consent of the Responsible Authority.
  3. Prior to the certification of a plan of subdivision for Stage 1, a digital copy of a Landscape Masterplan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Landscape Masterplan is to be developed in conjunction with the Functional Layout Plan and prepared by a suitably qualified and experienced landscape designer. It is to be drawn to scale and must show:
    - (a) The locations of street tree planting within the subdivision including the Harpers Road frontage. Trees are to be spaced at a minimum of one per lot or every 12 metres, whichever is the lesser, where road reserve space allows.
    - (b) The inclusion of landscape planting within the 5m setback of lots abutting the eastern boundary of the subject land (Lots 12 to 19 and 24) and along the western portion of the southern boundary abutting 1 Wattle Way (Lots 54 and 65) utilising a mix of indigenous and native plant species including trees and shrubs with suitable numbers and spacing to provide effective visual screening for adjacent existing properties.

- (c) Topography and existing features, including contours for the subject land and any affected adjacent land.
  - (d) The location of all trees existing on the site, including any that overhang the site from adjoining land.
  - (e) Details of tree protection zones for all trees to be retained on site.
  - (f) Any trees proposed for removal from the site clearly designated.
  - (g) The principles and graphical concepts of the proposed treatment of any drainage reserves.
  - (h) All proposed furniture, paths (other than footpaths) and any proposed amenities. Consideration should be given to providing an amenity area within the basin reserves. At the very minimum it must include a gravel walking path and seating area.
  - (i) All interfaces to public areas separated by bollards or post and rail fencing with access provided e.g. removable bollard or gate for maintenance vehicles.
4. Prior to the issue of a Statement of Compliance for each stage of the subdivision, a digital copy of a detailed Landscape plan (under 10 Mb file size) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The detailed landscape plan is to be prepared by a suitably qualified and experienced landscape designer. It is to be generally in accordance with the endorsed Landscape Master Plan but is to focus on the details of any reserve areas and streetscape plantings relevant to each stage. The plan is to be overlaid on the approved Engineering plans to ensure coordination with services and other infrastructure. When approved, the plan will be endorsed and form part of this permit and is to include:

#### Street trees

- (a) Street tree species selection is to tie in with the existing surrounding character and be a mix of indigenous, native and exotic species suitable for local environmental and climatic conditions, to the approval of the Responsible Authority.
- (b) Typical cross-sections for each street type, dimensioning tree locations, services offsets as set out in Council's Tree Management Policy, 2022 and any other spatial requirements.
- (c) A table of offsets for all utility services and street trees.
- (d) The following notations:
  - *Tree planting is to occur between April & September to maximise establishment and survival (unless alternative timing for planting is approved by Council Landscape Officer).*
  - *Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and 'as constructed' infrastructure.*
  - *Street tree locations are to be set-out and approved on site by the Council Landscape Officer prior to installation*
  - *It is the responsibility of the contractor to confirm the location of all underground services prior to commencement of any excavation.*



- (e) An advanced Tree Planting Detail with a minimum 52L Greenwell water saver and three (3) hardwood stakes.

**Reserves (including basins):**

- (f) Large canopy trees are to be provided to the perimeter of (but not within) any basin areas with a preference for locally indigenous species.
- (g) Trees proposed within lawn areas are to be a minimum of three metres apart (including mulch/waterwell) to facilitate mowing machinery or consolidated within mulched garden beds.
- (h) All grassed areas are to be a minimum grade of 1:5, preferably 1:6, to allow for maintenance by mowing machinery.
- (i) Any gradients 1:4 and greater are to be planted with native grasses and groundcovers at a sufficient density to discourage weed growth. Species for gradients adjacent to and, within waterways and basins must be locally indigenous.
- (j) Seed for grassed reserves is to be a Fine and Tall Fescue mix with 20% Kikuyu.
- (k) Seed for within retarding basins is to be a Fine Fescue Mix with 20% of native seed or native grass cells interspersed.
- (l) The relocation of the trunk and any large branches of Tree #6 within Lot 45 in accordance with Condition 1(d) of this permit.

**Reserve Furniture**

- (m) All reserve furniture is to be submitted in a Schedule to Parks and Gardens for final approval along with the detailed Landscape plan.
- (n) Details of all proposed bollards, fencing and access for maintenance are to be provided and approved as part of the endorsed Landscape package.

**Landscape Completion**

5. The landscaping works shown on the approved landscape plan for any stage must be carried out and completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for that stage or any other time agreed in writing by the Responsible Authority. Where an alternative time is agreed by Council for the completion of landscaping subsequent to a Statement of Compliance being issued for any stage of subdivision, a bond to the value of 200% of remaining landscaping works is required to be paid to the Council in lieu of the completion of works. Any bond paid for deferred landscaping will be returned by Council upon satisfactory completion of the approved landscaping works.

**Landscape Maintenance**

6. Landscaping shown on the endorsed landscape plans must be maintained to the satisfaction of the Responsible Authority for a period of two (2) years from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.
7. Before the certification of the Plan of Subdivision, the owner/s of the lots must enter into an agreement with the Responsible Authority in accordance with

Section 173 of the Planning and Environment Act 1987. The agreement must provide for:

- (a) All buildings (dwellings, outbuildings and otherwise) must be located entirely within the Building Envelopes shown on the endorsed plans forming part of Planning Permit PLN/2022/421.
- (b) All earthworks (ie/ cut, fill, retaining walls, batter slopes) undertaken for the construction of buildings within all lots must be limited to no more than one (1) metre height above or below the natural ground level, with the exception of Lots 17 and 19 which may have earthworks up to 1.5m height below (but maximum of one (1) metre above) the natural ground level.
- (c) The maximum height of any buildings (dwellings, outbuildings and otherwise) on Lots 1 – 2, 6 – 9, 20 – 24, 32 – 36, 42 – 45, and 65 (inclusive) must be no more than six (6) metres above natural ground level (*Note: buildings with split-level construction that meet this height limit are permitted*).
- (d) The maximum height of any buildings (dwellings, outbuildings and otherwise) on Lots 3 and 61-64 must be no more than six (6) metres above natural ground level with the exception that dwellings (but no other buildings) may include a second storey with maximum height of no more than eight (8) metres in height where the upper floor area is no more than 40% of the proportion of the ground floor area and all upper floor areas are recessed behind all ground floor facades by minimum 1.5m.
- (e) All road frontage boundaries of lots or boundaries abutting public reserves within the same subdivision must be either unfenced, or fenced with rural post and wire fencing (or similar visually permeable fencing) of no more than 1.3 metres in height. The rear and side boundaries of lots abutting existing properties not within the same subdivision must only be fenced with rural post and wire fencing (or similar visually permeable fencing) of no more than 1.5 metres in height with the exception of existing fencing along those boundaries.
- (f) A maximum of one (1) driveway crossing accessing to adjacent roads is permitted for all lots (with the exception of Lots 3, 7, 21, 23, 32, 39, 40, 46, 47, 60 and 61 which may have one (1) driveway crossing to each adjacent road frontage).
- (g) Rainwater tank(s) must be provided for each dwelling constructed on any lot, providing for minimum capacity of 10,000 litres for firefighting water supply (including outlet fittings in accordance with Country Fire Authority connection) and 3000 litres to be connected for domestic supply for toilet flushing and outdoor usage.
- (h) Tree #1 within Lot 2 shown on the endorsed plans forming part of Planning Permit PLN/2022/421 must not be removed, destroyed or lopped, unless with the prior written consent of the Responsible Authority. The driveway for this lot and any service infrastructure such as power, water or otherwise must be aligned outside of the Tree Protection Zone for this tree. *Note: Planning permit requirements apply for the removal, destruction or lopping of native vegetation.*

- (i) The planted screening vegetation within the five (5) metre buffer along the eastern boundary of Lots 12 – 19 and 24, and the southern boundary of Lots 54 and 65 must be maintained and must not be removed, lopped or destroyed, unless with the prior written consent of the Responsible Authority. *Note: Planning permit requirements apply for removal, destruction or lopping of vegetation including native and exotic trees.*

Prior to a Statement of Compliance being issued:

- (j) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.
- (k) The owner/s must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

Alternatively, the Section 173 Agreement specified above is not required to be entered into if a Plan of Subdivision including restrictions on the plan or a memorandum of common provisions providing for the same development restrictions specified to be included in the Section 173 Agreement (to the satisfaction of the Responsible Authority) otherwise required by this condition is submitted to and certified by the Responsible Authority.

8. Prior to the issuing of the Statement of Compliance for the approved subdivision, the owner must pay to Council a 5% cash-in-lieu open space contribution in respect to all of the land in the subdivision pursuant to Section 18 of the *Subdivision Act 1988*. The cash-in-lieu contribution will be discounted by the proportion of any unencumbered public open space provided as reserves to be vested in Council as shown on the plan of subdivision submitted for certification to the satisfaction of the Responsible Authority.
9. Before the plan of subdivision for each stage of subdivision is certified, names for the proposed roads shall be submitted to the Responsible Authority for approval in accordance with the guidelines for Naming Rules for Places in Victoria 2022. Once approved, the names shall not be altered without the consent of the Responsible Authority.
10. Measures must be undertaken to minimise any loss of amenity to the neighbourhood associated with subdivision works caused by dust, noise, the transport of material to and from the land, and the deposit of mud and debris on public roads and the road reserve adjacent to the subject land, to the satisfaction of the Responsible Authority.

#### **Macedon Ranges Planning Scheme Mandatory Subdivision Conditions**

11. The owner of the land must enter into an agreement with:
- (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant

can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

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

#### MRSC Engineering & Projects Unit Conditions

13. Prior to the certification of the Plan of Subdivision for the Stage 1, an amended Subdivision Layout Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and submitted electronically as a PDF. The plan must be generally in accordance with the submitted plan but modified to show:
  - (a) The wetland design with ANCOLD Assessment.
  - (b) A temporary turning area for Road 1 within the property boundary and turning circles for all dead end roads.
  - (c) The water from the wetland/retarding basin adjacent to Harpers Lane to be drained to the easement aligning between no's 36 and 58 Harpers Lane opposite the subject land. Discharge in Harpers Lane for dissipation of natural flow is not allowed.
  - (d) The pedestrian path and the wetland must have a sufficient buffer for pedestrian safety.
14. Prior to the submission of Engineering Plans and certification of the relevant plan of subdivision for each stage, a Functional Layout Plan for the subdivision or the stage of subdivision must be submitted to and approved by the responsible authority. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn at a scale of 1:500 to acceptable standards and an electronic copy (PDF) must also be provided. The functional layout plan must generally incorporate the following:
  - (a) A fully dimensioned subdivision layout, including proposed street names, lot areas, lot numbers, open space areas, and widths of street reservations.
  - (b) Topography and existing features, including contours for the subject land and any affected adjacent land.
  - (c) Identification by survey of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.

- (d) Details of tree protection zones for all trees to be retained on site.
  - (e) Any trees proposed for removal from the site (including dead trees) clearly designated.
  - (f) Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements.
  - (g) Intersections with interim and/or ultimate treatments.
  - (h) A table of offsets for all utility services and street trees.
  - (i) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls.
  - (j) The proposed minor drainage network and any land required for maintenance access.
  - (k) The major drainage system, including any watercourse, lake, wetland, silt pond, and/ or piped elements showing preliminary sizing.
  - (l) Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination.
  - (m) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance.
  - (n) Preliminary location of reserves for electrical kiosks.
  - (o) Works external to the subdivision, including both interim and ultimate access requirements.
  - (p) Proposed linkages to future streets, open space, regional path network and surrounding land.
  - (q) The location, height, width and form of all retaining walls. Splays on all corner lots.
15. Prior to the commencement of works for each stage of the subdivision, Engineering Plans for the relevant stage of works must be submitted to and approved by Responsible Authority including payment of plan checking and supervision fees. The Engineering Plans will not be considered until the Functional Layout Plans for the relevant stage have been approved by the Responsible Authority, landscape plans have been submitted to the Responsible Authority, the plan of subdivision has been lodged for certification with the Responsible Authority and the locations of other relevant authority services have been provided to the satisfaction of the Responsible Authority. The plans must include:
- (a) All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.
  - (b) Details of works must be consistent with the approved functional layout plan, submitted landscape plan and lodged plan of subdivision.
  - (c) Details of any cut and fill earthworks including retaining walls.
  - (d) Fully sealed pavements with kerb and channel, to dimensions generally in accordance with the approved functional layout plan, including traffic management devices where appropriate.

- (e) Provision of concrete footpaths in all streets and reserves (or alternative construction to Council's satisfaction).
  - (f) 6.6 metre pavement upgrade existing Harpers Lane.
  - (g) Structural design details of all pedestrian crossings/bridges over the waterway. The design must include field survey, geotechnical assessment and flood modelling.
  - (h) Any traffic management or traffic calming devices.
  - (i) Driveway links designed to provide one (1) visitor space per lot served by the link;
  - (j) Provision of shared paths in accordance with the approved functional layout plan within streets and reserves.
  - (k) Underground drains incorporating features to prevent litter, sediments and oils from entering the drainage system and/or cut-off drains to intercept stormwater runoff from adjoining properties.
  - (l) Underground stormwater drainage to each lot in the subdivision within own boundaries.
  - (m) Water sensitive urban design measures.
  - (n) Maintenance management plan for all Water Sensitive Urban Design infrastructures.
  - (o) Provision for all services and conduits (underground) including alignments and offsets.
  - (p) Provision of public street lighting and underground electricity supply within all streets and reserves where appropriate.
  - (q) A new sealed crossover for each lot. Crossovers should be located on the long side of corner sites where roundabout splitter islands will hinder access and should be a minimum of 10 metres from any intersection, 1 metres from any power pole, sign or service pit and an absolute minimum of 3 metres from any street tree.
  - (r) Vehicle exclusion measures within reserves while maintaining maintenance vehicle access.
  - (s) Lot boundary fencing adjoining all reserves other than road reserves.
  - (t) Temporary turnaround areas within the site for waste collection vehicles at the temporary dead end of any road.
  - (u) Traffic control measures including street name signs.
  - (v) A separate signage and line marking identifying the road layout, proposed signs, line-marking, RRPMS and a sign schedule.
  - (w) Survey details of the canopy trunk location and size of trees to be retained and associated tree protection zone.
  - (x) Permanent survey marks, levelled to the Australian Height Datum and coordinated to the Australian Map Grid.
  - (y) Splays at all intersections, to suit the road functions.
16. Prior to works commencing, drainage engineering plans detailing the stormwater drainage are to be submitted for Macedon Ranges Shire Council

approval, and plan and supervision fees paid. The subdivision is to be provided with a drainage system to a design approved by the Responsible Authority and such that

- (a) The subdivision as a whole is provided with a legal point of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.
- (b) Stormwater runoff from all buildings, tanks, and paved areas must be drained to a legal point of discharge.
- (c) All drainage courses or outfall drainage lines required to the legal point of discharge and which pass through lands other than those within the boundaries of the subdivision must be constructed at no cost to the Responsible Authority.
- (d) All drainage courses located within allotments must be contained within expressed drainage easements.
- (e) The flow paths of a 1 in 100 year ARI storm need to be determined and the subdivision designed such that no private property is inundated.
- (f) Retardation basin construction with ANCOLD Guidelines.
- (g) The drainage system must have provision for runoff from the upstream catchments and include any downstream works necessary to manage flows from the subdivision.
- (h) Objectives of the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) are satisfied.

17. Prior to the commencement of works, an “Asset Protection Permit” must be obtained from Council for any of the following circumstances:

- (a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
- (b) Occupying a road for works.
- (c) Connecting any land to a stormwater drain.
- (d) Opening, altering or repairing a road.
- (e) Opening, altering or repairing a drain.
- (f) Accessing a building site from a point other than a crossover.
- (g) Construct/repair/widen/remove any crossover.

18. At least 14 days prior to commencement of works for each stage of the subdivision, a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:

- (a) Name and contact details of appointed Civil Contractor and Superintendent.
- (b) Existing condition survey of all existing assets including private properties.
- (c) Construction Management Plan.

- (d) Traffic Management Plan.
- (e) Environmental Management Plan.
- (f) Occupational Health & Safety and Job Safety Analysis Plans.
- (g) Council issued Asset Protection Permit.
- (h) Council approved Engineering Plans.

All works must be carried out generally in accordance with measures set out in the above documents approved by the Responsible Authority.

19. Prior to issue of a Statement of Compliance for each stage of the subdivision, all works shown on the approved Engineering Plans must be constructed or carried out to the satisfaction of the Responsible Authority.
20. Prior to the commencement of works, where there is a need for a temporary retarding basin or temporary treatment to mitigate flows and provide treatment from the land or temporary outfall/treatment, the need for a temporary retarding basin to mitigate flows from the land before permanent drainage infrastructure is in place must be investigated and determined to the satisfaction of Responsible Authority. Any temporary drainage works required must be designed and constructed to the satisfaction of the Responsible Authority.
21. Prior to the issue of a Statement of Compliance for each stage of the subdivision, all land to be filled and to be used for a dwelling must be filled and compacted in accordance with Australian Standard AS3798:2007. The results of the tests must be produced and be to the satisfaction of the Responsible Authority.
22. Prior to the issue of a Statement of Compliance for each stage of the subdivision, the following 'as-constructed' documentation for road, drainage, and public open space assets must be submitted to and approved by the Responsible Authority:
  - (a) As-constructed drawings in hardcopy A3 format that include all alterations made during construction.
  - (b) As-constructed drawings in AutoCAD (2000) and Acrobat PDF formats that include all alterations made during construction.
  - (c) Asset information in digital format and in the form of a schedule of quantities.
23. The subdivision is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010) or IDM standards.
24. Before the commencement of works, an environmental management plan shall be submitted to and approved by the Responsible Authority. The plan must detail how issues such as erosion prevention, temporary drainage, dust generation and sediment control will be managed, on site, during the operation of the use permitted. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise. Reference should be made to the Environment Protection Authority's publication 960 'Doing it right on subdivisions'.
25. No polluted and/or sediment-laden run-off is to be discharged directly or indirectly into drains or watercourses. Polluted drainage must be treated



and/or absorbed on the lot from which it emanates to the satisfaction of the Responsible Authority. Soil erosion control measures must be employed throughout the works to the satisfaction of the Responsible Authority.

26. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the Responsible Authority.
27. Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
  - (a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
  - (b) Dust control;
  - (c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
  - (d) Where access to the site for construction vehicle traffic will occur;
  - (e) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences; and
  - (f) The location of any temporary buildings or yards.
28. Control measures in accordance with the approved Site Management Plan shall be employed throughout the construction of the works to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Site Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.

#### Country Fire Authority Conditions

##### Hydrants

29. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
30. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

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

##### Roads

31. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable width.

32. Proposed roads must have a suitable trafficable width to allow the unimpeded access of emergency fire fighting vehicles (notwithstanding any parking restrictions that Council may apply) to the satisfaction of CFA.
33. Dead-end roads and cul-de-sacs more than 60mts in length from the nearest intersection must have a turning circle with a minimum radius of 8mts (including roll-over kerbs if provided); T or Y heads of dimensions specified by CFA may be used as alternatives.
34. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50mts. Dips must have no more than a 1 in 8 (12%0 (7.1 degrees) entry and exit angle.
35. Curves must have a minimum inner radius of 10mts.

#### **Powercor Conditions**

36. This letter shall be supplied to the applicant in its entirety.
37. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
38. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

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

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

40. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- RESERVES established by the applicant in favour of the Distributor.
- SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.

The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

41. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

- Existing easements may need to be amended to meet the Distributor's requirements.
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

**Coliban Water Conditions**

- 42. The owner is required to reach agreement with Coliban Water for the provision of reticulated water and sewerage services to each of the occupancies within the development site and comply with any requirements arising from any effect of the proposed development on Coliban Water assets.**

Services are to be provided and where necessary, will be required in accordance with our specifications.

- 43. Agreement is to be reached with Coliban Water for the reticulated potable water mains extension required to service each of the lots within this development site, must be finalised in accordance with Coliban Water’s Developer Installed Works process.**

A water mains extension is required from Coliban Waters existing DN150 water main located in Lauriston-Reservoir Rd, including a booster pump station for this whole site, ensuring that all customers within this development site, will experience a similar level of service.

- 44. Agreement is to be reached with Coliban Water for the reticulated gravity sewer mains, the required sewerage pumping station and rising sewer main, which is to be designed and sized to ensure this development site does not impact the existing network. Which must be finalised in accordance with Coliban Water’s Developer Installed Works process.**

Gravity sewer is required for all lots within the subdivision and Coliban Water requires that all lots have full lot control.

- 45. All Coliban Water assets within the development site are to be protected by registered easements created in favour of Coliban Region Water Corporation.**

- 46. Applications to connect to Coliban’s water supply will need to be made through our consent to connect process, for Coliban Water’s approved contractor to install the water tappings, meter assemblies and digital data devices which will be located in an accessible location within 2.0 metres but no closer than 600mm, inside a title boundary line fronting a road reserve.**

Applications to connect to Coliban’s sewerage service will need to be made through our consent to connect process, prior to the property service drains (sewerage service), being connected to Coliban Water assets in accordance with our conditions.

All private works for water supply and sanitary drainage must be constructed in accordance with the National Plumbing and Drainage Code of Australia being AS 3500, the MRWA Water Metering & Servicing Guidelines 2022 and or any relevant requirements of Coliban Water.

- 47. Please note Under section 165(5) of the Water Act (1989), Coliban Water is not required to ensure that the water pressure is adequate for firefighting.**

It is important to note that Coliban Water does not guarantee fire flows. Tanks are to be used on-site for firefighting requirements which will not have a detrimental impact on the rest of the water network.

48. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must make payment to Coliban Water of New Customer Contributions (NCCs). These contributions are based upon the number of additional allotments connected (or to be connected) to Coliban Water's water, sewer or recycled water networks. A quote will be supplied to the owner on the referral of the Certified plan of subdivision.

#### **Goulburn Murray Water Conditions**

49. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
50. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
51. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.
52. All works within the subdivision must be done in accordance with EPA Publication 1834 *Civil Construction , Building and Demolition Guide* (November 2020).

#### **Downer (AusNet Services) Gas Conditions**

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

#### **Department of Energy, Environment and Climate Action Conditions**

##### ***Notification of permit conditions***

54. Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

##### ***Protection of native vegetation to be retained***

55. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
  - (a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
  - (b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The protection fence must remain in place until all works are completed to the satisfaction of the department.

56. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
- (a) vehicular or pedestrian access;
  - (b) trenching or soil excavation;
  - (c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
  - (d) construction of entry and exit pits for underground services; or
  - (e) any other actions or activities that may result in adverse impacts to retained native vegetation.

*Native vegetation offsets*

The total area of native vegetation permitted to be removed is 0.081 hectares, comprised of 0.010 hectares of native vegetation and 1 large scattered tree.

57. To offset the removal of 0.81 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
- A general offset of 0.019 general habitat units located within the North Central Catchment Management Authority boundary or Macedon Ranges municipal district;
  - have a Strategic Biodiversity Value score of at least 0.363;
  - provide protection for at least one (1) large tree;
  - must be in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017).

*Offset evidence*

58. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be an established first party offset site. This must include:
- (a) a security agreement signed by both parties, and
  - (b) a management plan detailing the 10-year management actions and ongoing management of the site

to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority.

Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;

and/or

- (c) credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

59. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Energy, Environment and Climate Action at [loddonmallee.planning@delwp.vic.gov.au](mailto:loddonmallee.planning@delwp.vic.gov.au).

**Expiry of Permit – Subdivision of Land**

60. This permit will expire if one of the following circumstances applies:
- (a) The plan for Stage 1 is not certified within two years of the issue of the permit; or
  - (b) The plan for Stage 2 is not certified within four years of the issue of the permit; or
  - (c) The subdivision shown in any stage is not completed with five years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in parts (a) and (b) of this condition.

\*\*\*\* END OF CONDITIONS \*\*\*\*

**Permit Notes:**

- *Future owners of the land must be made aware of the existence of this permit.*
- *MRSC Open Space & Recreation Team Notes*
- *Information regarding Councils preferred street trees, fencing, furniture style and materials can be requested from the Parks and Gardens Unit.*
- *In addition to the Landscape Plans, applicants must submit for approval a proposed maintenance schedule and projected costs. This schedule will also be used to ensure the proposed maintenance program is consistent with Council standards and to calculate a 35% Landscape Maintenance Liability bond. It will also be useful for the developer in preparing budget projections for the 2 year maintenance requirement.*
- *Council must be notified in writing 2 weeks before landscape construction is planned to commence to arrange a pre-construction site meeting/inspection. This is to ensure the areas set aside for open space and tree planting are consistent with those on approved plans, that the site is adequately prepared to protect significant features, and to establish a schedule of inspections during the development phase.*
- *An additional site inspection will occur when construction is completed, to establish Practical Completion of the works and mark the commencement of the two (2) years maintenance period. This inspection will ensure that the site was developed according to the approved plan. Council must be notified of, and approve any changes to the approved works which are identified as necessary during the construction period. As constructed drawings will be required if any changes are made to the approved works.*
- *Council will inspect the works thereafter at intervals throughout the maintenance period however must be notified in writing 3 months prior to the end of the maintenance period to schedule a final site inspection. Any defects identified during the final inspection will be detailed and forwarded to the*

*applicant for rectification. The developer must undertake rectification works if the site has not been maintained to Council's satisfaction.*

- *Final hand over will occur with the developer providing Council with, the maintenance history of the site.*

#### **MRSC Engineering & Projects Unit Notes**

- *In accordance with section 17 of the Subdivision Act, works required to be undertaken as part of the subdivision hereby permitted, must not commence until the Plan of Subdivision has been certified and the engineering plans for the subdivision have been approved.*
- *The Defect Liability Period commences from the date of Acceptance of Works (Maintenance work time completion) and extend for a minimum period of 24 months, including 2 summers, or other agreed period.*

#### **Powercor Notes**

- *It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link:*

<https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>

*Queries about this subdivision may be directed to the Customer Requests Team on 1800 771 434 or [crr@powercor.com.au](mailto:crr@powercor.com.au)*

#### **Downer (AusNet Services) Gas Notes**

- *Please note that reticulated gas supply is currently not available to service this subdivision.*
- *The owner/developer of the land may need to enter into an agreement or request a quote from AusNet Services for provision of gas reticulation to service the proposed development.*

#### **Department of Energy, Environment and Climate Action Notes**

- *The Minister for Environment as the 'owner' of the Crown land (including road reserves) is opposed to the use of the Crown land for the provision of fire defensible spaces. The department does not guarantee that fuel level on the adjoining Crown would be maintained at a particular level in perpetuity.*
- *The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee Act 1988 (FFG). All native vegetation likely to be affected should be checked against the Flora and Fauna Guarantee Act 1988 – Threatened List September 2022 to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DEECA office ([loddonmallee.environment@delwp.vic.gov.au](mailto:loddonmallee.environment@delwp.vic.gov.au)).*
- *Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of revegetation site.*

*Please visit <https://www.environment.vic.gov.au/native-vegetation/native-vegetation> for further information.*

In Favour: Crs Annette Death, Dominic Bonanno, Geoff Neil, Janet Pearce and Bill West

Against: Crs Jennifer Anderson, Rob Guthrie and Anne Moore

**CARRIED 5/3**

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**The Meeting closed at 8:24pm.**