

Report

3-5 Noel Street, Lancefield VPP2302556

Consent under Clause 52.20
(Victoria's Big Housing Build)



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Summary

Key information	Details		
Application No.:	VPP2302556		
Received:	26 October 2023		
Assessment Days:	28		
Applicant:	Wintringham Housing Limited		
Planning Scheme:	Macedon Ranges		
Land Address:	3-5 Noel Street, Lancefield		
Title:	Lot 1 and Road R1 on Plan of Subdivision 120933 and Crown Allotment 6, Section 60, Township of Lancefield.		
Covenant:	No		
Heritage	An Aboriginal Cultural Heritage Management Plan is not required due to regulation 41(2) of the <i>Aboriginal Heritage Regulations 2018</i>		
Proposal:	To grant an exemption under Clause 52.20 for the development of the land for the construction of 12 single storey dwellings.		
Previous Approvals:	N/A		
Clause 52.20 Big Housing Build Eligibility	Written confirmation that the application is funded under Victoria's Big Housing Build Program and will be carried out on behalf of the Director of Housing has been provided. The application therefore satisfies the eligibility criteria of Clause 52.20		
Why is the Minister the Responsible Authority?	Pursuant to clause 72.01-1 of the Macedon Ranges Planning Scheme, the Minister for Planning is the responsible authority for matters required by a permit or the scheme to be endorsed, approved, or done to the satisfaction of the responsible authority, in relation to the use and development of land for which clause 52.20 applies.		
Dwellings:	12 dwellings (12 Social housing) <ul style="list-style-type: none"> 12 one bedroom dwellings 		
Total site area:	3722m ²		
Height:	4.55	Metres from NGL	
Parking:	Cars	Motorcycles	Bicycles
	12	0	0
Zone:	General Residential Zone, Schedule 1 (GRZ1)		
Overlays:	Protected Settlement Boundary		
Particular Provisions:	Victoria's Big Housing Build – 52.20 Clause 52.20 exempts any requirement of the Planning Scheme to obtain a permit with exception of several overlays (none of which are applicable to this application).		
Why is a permit required?	Clause 32.08-6 – To construct two or more dwellings on a lot.		
Referral authorities/ Notice	The application would not be subject to referral to authorities.		
Public Notification	Public notice of the application under S52 of the Act is not required because Clause 52.20-2 exempts the proposal from all planning scheme requirements and as such Division 1, Part 4 of the <i>Planning and Environment Act 1987</i> is not applicable. Pursuant to Clause 52.20-4 before the use or development commences public consultation, and consultation with the relevant municipal council, must be undertaken.		



1. The key milestones in the process of the application were as follows:

Milestone	Date
Pre-application meeting	Preapplication comments were provided by the Department of Transport and Planning (DTP) on 15 March 2023. The preapplication comments were broadly supportive of the proposal subject to further information on:
Application lodgement	26 October 2023
Decision Plans	<ul style="list-style-type: none">Letter prepared by Homes Victoria dated 16 <i>October 2023</i> confirming the proposal is funded under Victoria's Big Housing Building Program and carried out on behalf of the Director of HousingConsultation Report prepared by Wintringham Housing Limited dated 14 <i>September 2023</i>.Plans prepared by Muir Architects, Rev. C, dated 5 September 2023Planning Report prepared by Fastnet Consulting dated <i>September 2023</i>Landscape Plan prepared by Openwork, Revision 06, dated 5 September 2023Traffic Impact Assessment prepared by O'Brien Traffic, dated 6 <i>September 2023</i>Sustainable Management Plan Report prepared by Co-Perform dated 11 <i>August 2023</i>Waste Management Plan prepared by O'Brien Traffic, dated 18 <i>November 2022</i>
Site Inspection	No site inspection has been carried out.

Subject Site and Surrounds

Site Description

2. The site is located at 3-5 Noel Street, Lancefield (refer Figure 1 below).
3. The land is formally recognised as Lot 1 and Road R1 on Plan of Subdivision 120933 and Crown Allotment 6, Section 60, Township of Lancefield.
4. The land consists of two parcels, one parcel (No. 5) is vacant land and the other parcel (No. 3) has two buildings consisting of 5 single storey brick units, an open carport along the street frontage and no formal driveway or crossover.
5. The land is a regular shape with an overall area of 3722m². It features an abuttal to Noel Street to the north, and shares boundaries with residential dwellings to the east, south and west.
6. There are a number of easements, restrictions or reserves on the site as follows:
 - One easement is sited along the eastern boundary.

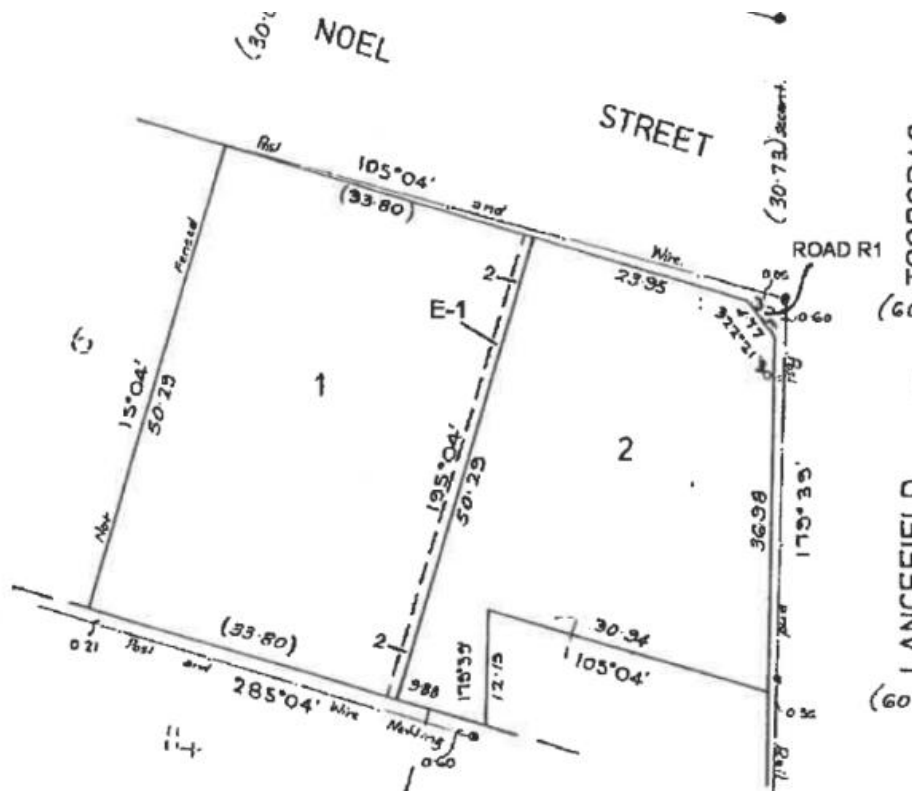


Figure 1: Title Plan



Figure 2: Site plan/ aerial (Source:VicPlan)

Site Surrounds

7. The surrounding development consists mainly of single dwellings on large allotments, however the property to the south of number 3 Noel Street consists of three (3) new dwellings located to the rear of an existing dwelling.
8. The interfaces of the are described as follows:

North

6, 8-10 Noel Street

These sites contain large single storey dwellings. Each of the dwellings have a single crossover, associated landscaping, and outbuildings.

East

1 Noel Street

This site contains a large single storey dwelling, associated outbuildings and landscaped gardens.

West

7 Noel Street

This site contains a single dwelling facing Noel street.

South

1 /4, 2/4,3 /4, 4/4, 6 and 10 Dundas Street

All of these sites contain residential buildings, predominately they contain a single dwelling per lot except for No. 4 which consists of three new dwellings built to the rear of the existing dwelling.



Figure 3: Proposal and approved buildings in the vicinity of the site

9. Key features of the broader area include:

- The site is located 400m from the main street of Lancefield. The main street includes a bank, supermarket, food stores, doctor surgery, café's and post office.

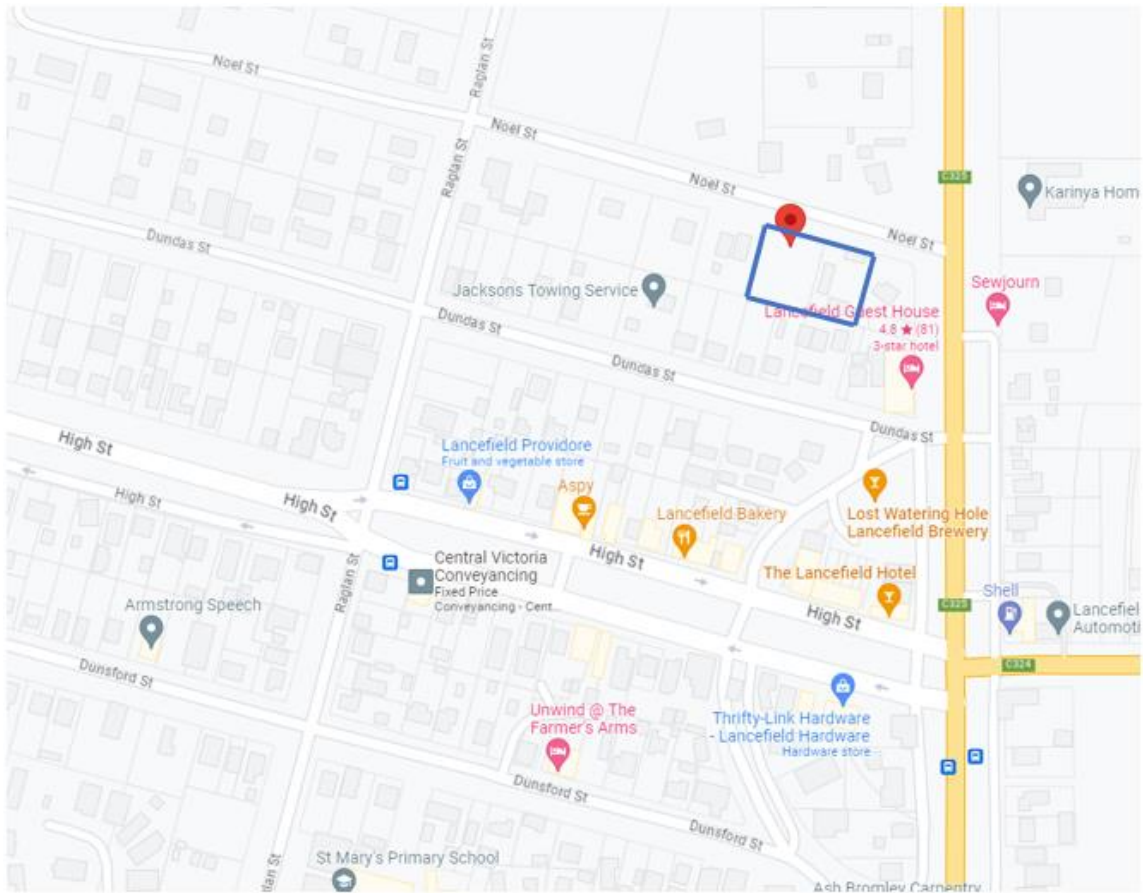


Figure 4 – Site location, Google Maps

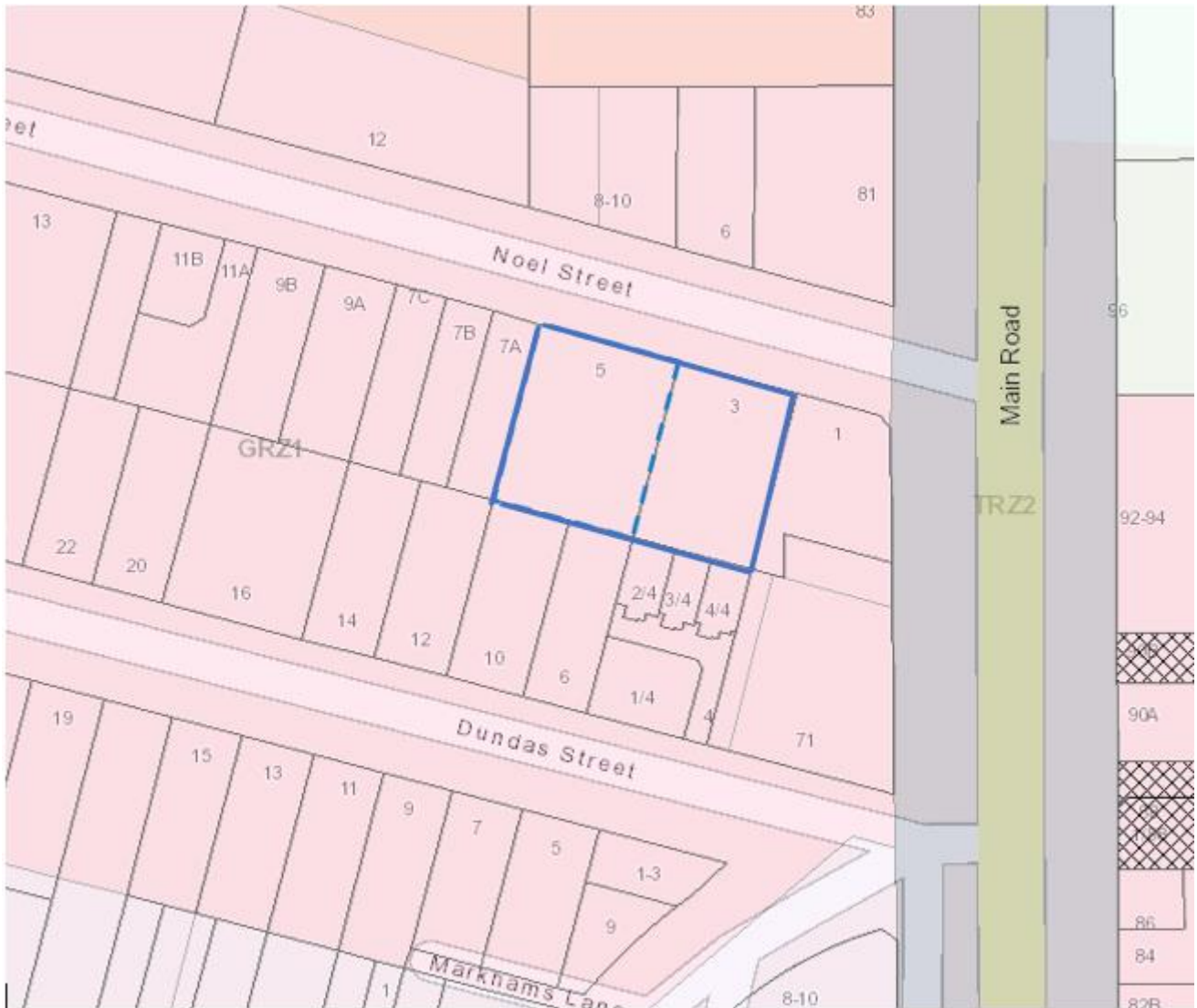


Figure 5 - Zone context for subject site (blue line) and the broader area.

10. This application seeks approval for a permit exemption under Clause 52.20 as part of Victoria's Big Housing Build program.
11. The proposal seeks to develop the land for a single storey townhouse development containing 12 dwellings provided for social housing.
12. 12 parking spaces are provided exceeding the 0.6 spaces per dwelling rate.

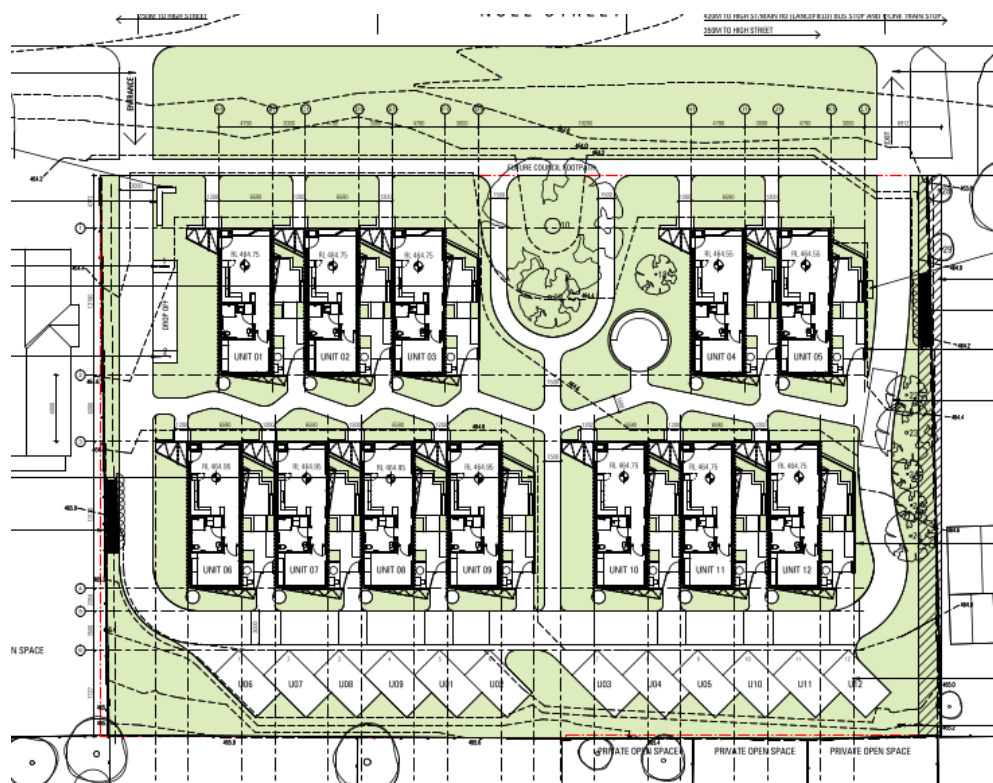


Figure 6: Concept image of proposal

13. Key characteristics of the design response to the site's context include:
 - Single-level, pitched roof built form.
 - One crossover provided to each block of land retaining the consistent street pattern.
 - Extensive landscaping within the frontage.
 - Consolidated parking located along the rear boundary



Clause 52.20 – Big Housing Build

14. This application seeks approval for the exemption under Clause 52.20 as a project that is funded under Victoria's Big Housing Build Program and carried out on behalf of the Director of Housing.

Exemption from Planning Scheme Provisions

15. Clause 52.20-2 states that any requirement of the planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified person or body does not apply to use or development Clause 52.20 applies to the requirements of the clause are met.
16. This exemption does not apply to a requirement in clauses 45.03, 45.07, 45.08, 51.03 or 52.02, or in any schedule to those clauses.

Use and Development Requirements

17. Clause 52.20-3 states that the use and development of land must be carried out in accordance with the plans and documents under this clause, to the satisfaction of the responsible authority.

Consultation Requirements

18. Clause 52.20-4 states that before plans, documents, and information under Clause 52.20-5 are submitted consultation must be undertaken and a report summarizing consultation must be completed.
19. A comprehensive consultation report has been submitted with this application and the proponent's response to feedback is provided in the assessment section of this report.

Requirements for plans and documents

20. Clause 52.20-5 sets out a list of plans and information that must be prepared and submitted to the satisfaction of the responsible authority.
21. The table at Appendix C assesses the appropriateness of the level of documentation submitted with this application. A summary of this assessment is provided in the assessment section of this report for convenience.

Development Standards

22. Clause 52.20-6 provides for development standards in which to assess the appropriateness of exemptions under this provision.
23. Written confirmation that the development is funded wholly under the Big Housing Build program has been provided. This letter has been signed before 30 June 2022. The above transitional provision therefore applies.
24. Except for clauses 54, 55, 58 and 59, the proposal must demonstrate how it responds to the purposes, objectives, or statements of significance or risk of any zone, overlay, or other provision that would apply to the use or development were it not for the exemptions in clause 52.20-2.
25. A full assessment of the applicable development standards is provided in Appendix A. A summary of the assessment's findings are provided in the assessment section of this report.

Native Vegetation

26. No native vegetation that is not exempt by the table of exemptions to Clause 52.17-7 is proposed to be removed. As such the requirements of Clause 52.20-8 are not relevant to this assessment.



Planning Policy Framework

27. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this application:

Municipal Planning Strategy

28. Clause 02.02 of the Macedon Ranges Planning Scheme comprised the Municipal Planning Strategy (MPS) and includes the vision and strategic direction for the municipality.
29. Clause 02.03 comprises strategic frameworks plans, including the Residential Strategic Framework Plan for Regional, District and small towns.

Planning Policy Framework

30. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this application:
- Clause 11 – Settlement
 - Clause 11.01-1S – Settlement
 - Clause 11.01-1L – Settlement – Lancefield
 - Clause 11.03-6S – Regional and Local Places
 - Clause 13 – Environmental Risks and Amenity
 - Clause 15 – Built Environment and Heritage
 - Clause 15.01-6S – Urban Design
 - Clause 15.01-6S – Design for rural areas
 - Clause 15.01-2S – Building design
 - Clause 15.01-4S – Healthy neighbourhoods
 - Clause 15.01-5S – Neighbourhood character
 - Clause 15.01-5L – Neighbourhood character – Macedon Ranges townships
 - Clause 16 – Housing
 - Clause 16.01-1S – Housing supply
 - Clause 16.01-1L – Housing supply – Macedon Ranges
 - Clause 16.01-2S – Housing affordability
 - Clause 16.01-2L – Housing affordability – Macedon Ranges
 - Clause 18 – Transport
 - Clause 18.01-2L – Transport system – Macedon Ranges
 - Clause 19- Infrastructure
 - Clause 19.03-3S – Integrated water management
 - Clause 19.03-3L – Integrated water management – Macedon Ranges

Statutory Planning Controls and Other Provisions

31. The site is located within the General Residential Zone – Schedule 1 (GRZ1), and the Protected Settlement Boundary Overlay (PSB), applies to the site (and the balance of the municipality).
32. Relevant particular provisions are as follows:
- Clause 52.06 – Car Parking
 - Clause 52.20 – Victoria's Big Build



- Clause 52.34 – Bicycle Facilities
 - Clause 53.18 – Stormwater Management in Urban Development
33. If not for the application of clause 52.20, the proposed development would require a planning permit to:
- Construct a building or carry out works under clause 37.08-5.
34. Relevant General Provisions are as follows:
- Clause 65 – Decision Guidelines
 - Clause 66 – Referral and Notice Provisions



35. Clause 52.20-4 states that before plans, documents, and information under clause 52.20-5 are submitted:
- *Public consultation, and consultation with the relevant municipal council, on the plans, documents and information proposed to be submitted under Clause 52.20-5; and*
 - *A report that summarises the consultation undertaken, feedback received, and explains how the feedback has been considered and responded to, must be completed.*
36. The applicant has submitted a consultation report prepared by Wintringham Housing Limited and dated 14 September 2023 (the consultation report) summarising the consultation undertaken and feedback received. The report also explains how the application has responded to the feedback.
37. Consultation was held with the local community (dwellings in close proximity to the site) with online consultation forum, notices sent to owners and occupiers and Macedon Ranges Council.
38. A total of four submissions (3 from nearby residents & one from Council) have been received to the application.

DTP

39. A pre-application meeting with DTP took place on 8 February 2023. The consultation report summarises DTP's feedback as follows:

Car parking

- *Consider opportunities to integrate car parking with dwellings. This could be achieved by exploring shared access (pedestrians and vehicles) in the central east/west pedestrian pathways.*
- *Consider providing shelter to car parking spaces (garage or carports).*
- *Should the design ultimately rely on communal parking in a centralised location, consider improvements to internal circulation. Ensure pedestrian paths and internal vehicle access are separated in this case.*

Design

- *Consider design initiatives that could improve the presentation to Noel Street with regard to existing neighbourhood character and read as fewer dwellings to the street. For example, flipping dwellings so that they have a party wall.*
- *Density and built form both have the potential to influence future development of the area and must be highly resolved.*
- *A written statement detailing the design intent and how the design reflects the neighbourhood character should be provided.*

Other

- *The bin enclosure along the western boundary is currently adjacent to the neighbouring dwelling on the property to the west. This has potential amenity impacts through noise and smell for adjoining residents. Consideration should be given to relocating it to the rear of the site, along the southwest edge of the driveway closer to the car parking spaces*
- *Ensure the development achieves a high ESD outcome. Consider incorporating ESD initiatives where practical, for example, increase water tank size to 3000L.*
- *Consider providing windows along the external walls of the dwellings located on the eastern and western ends of the rows of dwellings to provide passive surveillance of communal areas.*
- *Provide details of location of letterboxes including heights.*

Detail on plans

- *Ensure plans address all Clause 52.20 matters to enable a full assessment, including:*
 - *Clause 52.20-6.2 Boundary fencing*
 - *Clause 52.20 - 6.7 Car Parking*
 - *Dimension internal car spaces, and width of garage entries*
 - *Specify the use of the rainwater tanks i.e irrigation or flushing/toilets*
 - *Clause 52.20-6.18 Storage sqm specified*
 - *Clause 52.20-6.21 Site services*



Municipal Council Comments

40. The council does /does not oppose the project and has provided detailed comments on the application, discussed in detail at Appendix B. The following is a summary of its concerns:
- Support affordable & social housing;
 - Density of the project;
 - Limit vehicle crossovers;
 - Supportive of the footpath;
 - Waste Management – site to utilise the four bin system.

Community Consultation

41. The overall community consultation undertaken comprised of the following in accordance with Homes Victoria Consultation Guidelines:
- *Mail out to owner and occupiers within a 50m radius of the Site on 17 April 2023.*
 - *An online website (www.lancefieldelderlyhousing.com) that hosted the proposed development plans and supporting reports and invited written feedback from the community.*
 - *Display of two (2) advertising signs on the Site on 17 April 2023 until 25 May 2023, providing information of the proposal and a link to the online website and material.*
 - *A five (5) week notice period commencing on 17 April 2023 and concluding on 25 May 2023.*
 - *An online community information session on 10 May 2023 and an on-site meeting with an adjoining neighbour on the 1 March 2023.*
42. The following summary outlines key concerns raised in the consultation period (refer Appendix B for a comprehensive list of concerns):
- Tree impacts;
 - Fencing;
 - ESD considerations;
 - Concerns support for residents lacking in the area; and
 - Concern regarding pets.



43. The purpose of Clause 52.20 is to facilitate the use and development of land for housing projects funded by Victoria's Big Housing Build program and to ensure that development does not unreasonably impact on the amenity of adjoining dwellings.

Development standards

44. A full assessment against the development standards at Clause 52.20-6 is provided at Appendix A of this report.
45. The assessment broadly achieves compliance across the relevant development standards. A full assessment against the consultation report and its outcomes is provided at Appendix B of this report. Where appropriate, feedback arising from the consultation process has been adopted. The responses provided where feedback has not been adopted has been considered and is considered reasonable and practical.
46. Whilst performing well against the development standards and responding well to consultation outcomes, consideration must be given to the broader planning policy framework to ensure that the proposal is largely consistent with its expectations.

Application Requirements

47. Clause 52.20-5 sets out a list of pre-commencement requirements which must be provided, noting that the requirements may be varied or waived by the responsible authority.
48. An assessment of the application material provided by the applicant is summarised in Appendix C of this report.
49. The assessment finds that all necessary material is provided for which can enable a feasible exemption to be granted for the development should the balance assessment deem it appropriate.

Summary

50. The development is consistent with the requirements of Clause 52.20 and provides a reasonable response to consultation feedback.
51. Whilst performing well against the development standard and responding well to consultation outcomes, consideration must be given to the broader planning policy framework to ensure that the proposal is largely consistent with its expectations.
52. The following assessment will focus on the relevant key planning matters applicable to this site and proposal.

Built Form Issues

53. The architectural and urban design response to the site is considered high quality, responsive to its context, highly functional, and attractive. It is broadly considered to represent a high standard of development that will make a highly positive contribution to its surrounds.
54. The height and setbacks of the development are considered to strike an appropriate balance between effectively utilising the site and respecting the prevailing character of the area. The single storey dwellings with a modern pitched roof are consistent with the prevailing neighbourhood character. The allocation of dwellings into four separate built form elements will also ensure that there is a clear break in form through the site for landscaping and tree planting.
55. The dwellings are all well set back from the side boundaries and adjoining residences, with the provision of a loop driveway around the perimeter of the site and carparking located to the rear.
56. The proposed number of dwellings on the site will result in a denser built form than the surrounding neighbourhood, however this is generally in line with some of the new dwellings/subdivisions in the area, including to the immediate south east. The change to the emerging neighbourhood character is an acceptable outcome considering the single storey nature of the development.

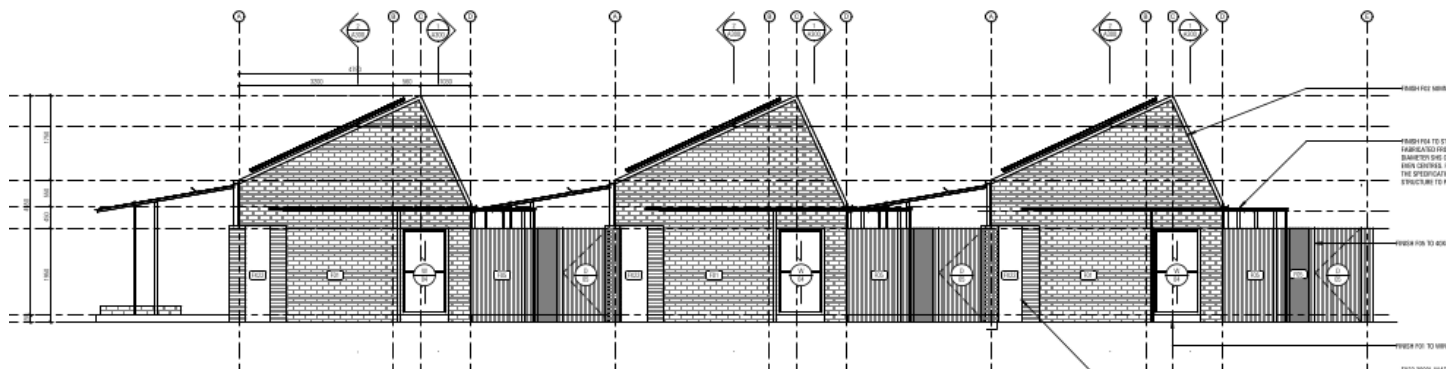


Figure 7 – front elevation typical of all dwellings.

Amenity Impact

57. Clause 52.20 provides a comprehensive suite of design standards at Clause 52.20-6 that are relevant to assessing the amenity impact of any one proposal. A full assessment against these design standards is provided in Appendix A. This assessment finds that the development responds well to the applicable standards of Clause 52.20.
58. Based on Appendix A, the development is generally compliant with relevant amenity standards of Clause 52.20 and requires some variations, however it is considered to represent an acceptable off-site amenity outcome. The site broadly meets the intent of the planning controls that would normally apply to the site if Clause 52.20 didn't apply.

Internal Amenity

59. Clause 52.20 provides a comprehensive suite of design standards at Clause 52.20-6 that are relevant to assessing the amenity impact of any one proposal.
60. A full assessment against these design standards are provided at Appendix A. This assessment finds that the development responds well to the applicable standards of Clause 52.20.

Landscaping and Communal Open Space

61. The landscaping and communal areas located at ground level is considered acceptable and will afford a high level of amenity for future residents. The proposal retains substantial trees in the frontage and through the centre of the site.
62. Substantial tree planting is proposed along the rear (south) boundary and throughout the rest of the site. The proposed landscaping is an appropriate response to the proposed development and the wider character of landscaping and tree planting in the neighbourhood.
63. To improve amenity for residents, a condition of approval will require the Landscape plans prepared by Openwork, Revision 06, dated 5 September 2023 updated to move the bin store located on the western boundary 6m south.



Public Realm

64. The proposal provides a landscaping response to the Noel Street frontage with the provision of a new footpath, a vegetated nature strip allowing for the provision of planting and new trees and native groundcovers.

Parking

Car Parking

65. Clause 52.20-6.7 requires a minimum of 0.6 spaces for each dwelling.
66. The development proposes 12 dwellings that would require 7.2 spaces per Clause 52.20-6.7, the development proposes 12 car parking spaces exceeding the standard. This is considered acceptable in this location given access to public transport and services.
67. The proposal has also been reviewed against the design standards of Clause 52.20-6.7 which has not identified any substantial issues with the access and parking arrangements.
68. In this respect the proposed parking arrangements are considered acceptable.

Bicycle Facilities

69. Clause 52.20 provides limited guidance for bicycle parking provision within developments.
70. Clause 52.34 would ordinarily require a total of one resident space to each five dwellings and one visitor space to each 10 dwellings.
71. The development is not required to provide bicycle spaces and each dwelling has room to store a bike if required within the SPOS of the dwelling.

Waste

72. Clause 52.20-7.12 seeks to ensure that waste management facilities are designed and managed in accordance with best practice standards prescribed by Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).
73. The waste calculated for the development would generate a total of 720L of non-organic waste, and 672L of recycling waste, 288L glass waste and 240L of food waste (FOGO) per week.
74. The submitted waste management plan provides for bins to be collected by the council contractor as part of the municipal waste collection service. General waste to be collected fortnightly, recycling and FOGO to be collected weekly and separated glass recycling every 4 weeks.
75. Bins are to be moved to the nature strip by residents on the appropriate bin collection days.
76. The broader waste facilities are considered to be generally acceptable in design and will be adequately managed by the Waste Management Plan (WMP) submitted by **O'Brien Traffic Consultants, dated 18 November 2022**. However, a condition of approval will require that bin store located on the western boundary be moved 6m south to ensure there are no amenity impacts on adjoining properties.


Environmental

Environmentally Sustainable Design (ESD)

77. A comprehensive suite of SMP documents prepared by **Co-Perform, dated 16 December 2022** have been submitted with the proposal.
78. Cumulatively, these documents ensure that the development will:
 - Achieve a 5 Star Green – Design and As Built rating
 - Achieves an average NatHERS rating exceeding 7.0 stars in the building
 - Meets the 6 star individual energy rating and the 7.0 Star average rating across the development as required by the DHHS
79. A sustainability specification has been provided which when approved will ensure these sustainability measures are incorporated into the final development.
80. The proposal is considered to provide for an appropriate ESD outcome meeting the objectives of Standard 52.20-7.1.

Water Sensitive Urban Design (WSUD)

81. A comprehensive suite of SMP documents prepared by **Co-Perform, dated 16 December** have been submitted with the proposal.

- 
82. Cumulatively, these documents ensure that the development will:
- Achieve a 5 Star Green – Design and As Built rating
 - Achieves an average NatHERS rating exceeding 7.0 stars in the building
 - Meets the 6 star individual energy rating and the 7.0 Star average rating across the development as required by the DHHS
83. A sustainability specification has been provided which when approved will ensure these sustainability measures are incorporated into the final development.
84. The proposal is considered to provide for an appropriate WSUD outcome.

Stormwater Management

85. A comprehensive stormwater management system has been submitted as part of the SMP documentation prepared by ***Co-Perform, dated 16 December.***
86. The system provides for each dwelling to be provided with a 2000 Lt water tank located to the rear of each dwelling.
87. This system will provide for stormwater reuse for toilets and/or landscape irrigation. The application provides details of a comprehensive maintenance system, including cleaning of roofs, gutters and water tanks to ensure the rainwater harvesting will continue to provide benefit to the development and the greater stormwater system.
88. The stormwater management arrangements are considered acceptable and meets permit conditions of the existing approval.

Construction Management

89. A construction management plan has not been submitted as part of the application; however all building sites are required to meet the guidelines of the EPA for construction start times. The development is not substantial and room is provided on site for the provision of site sheds, waste bins and any other amenities required for the construction.

Environmental Contamination

90. The proposal is required to take the environmental conditions of the site into consideration. The application has been submitted with an environmental report prepared by ***Edwards Environmental, dated September 2022.***



91. The development is generally consistent with Clause 52.20 of the Macedon Ranges Planning Scheme and has undertaken satisfactory consultation.
92. All of the issues raised by the community, the council and DTP, as expressed in the consultation report, were considered as part of this assessment.
93. It is recommended that the request for consent under Clause 52.20 application number VPP2302556 be issued and the following documents be endorsed to form part of the approval:
- Traffic Impact Assessment prepared by O'Brien Traffic, *dated 6 September 2023*
 - Sustainable Management Plan Report prepared by Co-Perform *dated 11 August 2023*
 - Waste Management Plan prepared by O'Brien Traffic, *dated 18 November 2022*
94. The following condition to be included:
1. Architectural plans prepared by Muir Architects, Rev. C, dated 5 September 2023 updated to move the bin store located on the western boundary 6m south to ensure there are no amenity impacts on adjoining properties.
 2. Landscape plans prepared by Openwork, Revision 06, dated 5 September 2023 updated to move the bin store located on the western boundary 6m south to ensure there are no amenity impacts on adjoining properties.

Prepared by:

I have considered whether there is a conflict of interest in assessing this amendment and I have determined that I have:

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

- ☐ Completed the State Planning Services declaration of Conflict/Interest form.
- ☐ Attached the State Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- ☐ Attached the State Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

[REDACTED]

Title: Senior Planner, Development Approvals
and Design

Signed:

[REDACTED]

Phone:

Dated: 13/11/2023

Approved by:

Name:

[REDACTED]

Title: Manager, Development Approvals and
Design

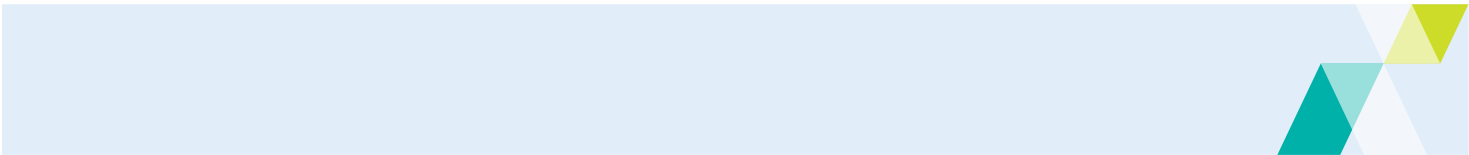
Signed:

[REDACTED]

Phone:

[REDACTED]

Dated: 13/11/2023



Appendix A

Development Standards Assessment

Clause 52.20-5 requires a report that details how the development standards of Clause 52.20-6 are responded to. The following table is to be considered this “report”.

The table ‘Clause 52.20-6 Response’ is to be utilised for applications to construct or extend a dwelling.

The table ‘Clause 52.20-7 Response’ is to be utilised for applications to construct or extend an apartment development or residential building or the construction or extension a dwelling in or forming part of an apartment development or residential building. Please note these applications must also respond to Clause 52.06.

The development standards of clause 52.20-6.8 does not apply to an apartment development or residential building of 5 or more storeys. The development standards of clauses 52.20-6.14 and 52.20-6.18 do not apply to an apartment development or residential building.

Clause 52.20.6 Response

Requirement	Response
52.20-6.1 Infrastructure Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.	Complies
52.20-6.2 Street setback Walls of buildings should be set back from streets at least the distance specified in Table 1 (below). Porches, pergolas and verandahs that are less	Complies



than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.		
52.20-6.2 – Table 1		
Development Context	Minimum setback from front street (metres)	Minimum setback from side street (metres)
<i>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</i>	<i>The same distance as the setback of the front wall of either existing building on the abutting allotments facing the front street or 7 metres whichever is the lesser.</i>	<i>Not Applicable.</i>
<i>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</i>	<i>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7 metres, whichever is the lesser</i>	
<i>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</i>	<i>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</i>	
<i>The site is on a corner.</i>	<i>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7 metres, whichever is the lesser.</i> <i>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</i>	<i>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</i>
52.20-6.3 Permeability The site area covered by the pervious surfaces should be at least 20 percent of the site.		Complies 53% of the site is permeable, exceeding the standard/
52.20-6.4 Safety		Complies



<p>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares</p>	<p>All dwellings have a designated front entrance which provides a sense of address and clearly defines each dwelling. This includes from the internal accessway.</p>
<p>52.20-6.5 Access</p> <p>The width of accessways or car spaces that front existing streets should not exceed:</p> <ul style="list-style-type: none">- 33 per cent of the street frontage, or- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p>Complies</p> <p>The project is provided with two crossovers along a site frontage of 78m is well below the maximum of 33%.</p>
<p>52.20-6.6 Parking location</p> <p>Car parking facilities should:</p> <ul style="list-style-type: none">- Be reasonably close and convenient to dwellings.- Be secure.- Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be</p>	<p>Complies</p> <p>Car parking locations are along the rear of the site, they are all located together and are easily accessible from the dwellings.</p>



reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	
52.20-6.7 Car parking A minimum 0.6 car spaces should be provided to each dwelling. A minimum 1 car space should be provided to each 4 bedrooms of a residential building. Car parking for other land uses must be to the satisfaction of the responsible authority. Car spaces may be covered or uncovered. If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number greater than 1.	Complies Each dwelling has been provided with a car space.
52.20-6.7 Design Standards Accessway Car Parking Spaces Gradients Mechanical Parking Urban Design Safety Landscaping	Complies Accessway – Complies Car Parking Spaces – Complies Gradients – Complies Mechanical parking – Not applicable Urban Design – Complies Safety – Complies Landscaping - Complies
52.20-6.8 Side and rear setbacks	Complies



<p>A new building not on or within 200mm of a boundary to a residential zone should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. Diagram 2 details the standard.</p> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	<p>The dwellings are well set back from all boundaries, this standard is easily met.</p>
<p>52.20-6.9 Walls on boundaries</p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none">- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater. <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	<p>Not applicable</p> <p>No walls are proposed on any boundaries. Standard is met.</p>



<p>52.20-6.10 Daylight to existing windows</p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window</p>	<p>Complies</p> <p>No buildings are proposed opposite habitable room windows.</p>
<p>52.20-6.11 North-facing windows</p> <p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	<p>Complies</p>
<p>52.20-6.12 Overshadowing open space</p> <p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Complies</p> <p>No overshadowing of adjoining properties</p>
<p>52.20-6.13 Overlooking</p>	<p>Complies</p>



<p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none">- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.- Have sill heights of at least 1.7 metres above floor level.- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. Screens used to obscure a view should be:</p> <ul style="list-style-type: none">- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.- Permanent, fixed and durable.- Designed and coloured to blend in with the development. <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary</p>	<p>The proposed dwellings are single storey and there are no overlooking opportunities.</p>
52.20-6.14 Noise impacts	Not applicable to apartment development



<p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p> <p>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	
<p>52.20-6.15 Daylight to new windows</p> <p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none">- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or- A verandah provided it is open for at least one third of its perimeter, or- A carport provided it has two or more open sides and is open for at least one third of its perimeter.	<p>Complies</p> <p>All windows within the development have clear access to the sky.</p>
<p>52.20-6.16 Private open space</p> <p>A dwelling (other than an apartment) should have private open space consisting of:</p> <ul style="list-style-type: none">- An area of secluded private open space with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room; or- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; or- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. <p>Secluded private open space may be located in the front setback if it is no more than 30% of the street frontage.</p>	<p>Refer to 52.20-7.10</p>
<p>52.20-6.17 Solar access to open space</p>	<p>Complies</p>



<p>The private open space should be located on the north side of the dwelling if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</p>	<p>All dwellings have SPOS that are north facing and will receive good solar access..</p>
<p>52.20-6.18 Storage</p> <p>A dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Not applicable to apartment development</p> <p>All dwellings have been provided with an external storage shed of a min 6 cubic metres meeting the standard</p>
<p>52.20-6.19 Front fence</p> <p>A front fence within 3 metres of a street should not exceed a maximum height of:</p> <ul style="list-style-type: none">- 2 metres for streets in a Road Zone, Category 1, and- 1.5 metres in other streets or where secluded private open space is proposed within the front setback, the front fence may reach a height of up to 1.8 metres for not more than 30% of the length of the boundary	<p>Not applicable</p> <p>No front fence is proposed.</p>
<p>52.20-6.20 Common property</p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>Complies</p> <p>All common areas are clearly defined.</p>
<p>52.20-6.21 Site services</p> <p>The design and layout of buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>Complies</p> <p>The site has substantial space for all services.</p>



Appendix B - Consultation Assessment

Community Comment	Applicant Response	Specific changes	DTP Assessment
<p>Neighbour noted that several fruit trees were incorrectly identified in the Arborist Report.</p> <p>Resident would like to see if two trees identified for removal could be retained if possible, as they are prolific in their production of fruit.</p>	<p>Noted.</p> <p>The design team has reviewed the position of these trees with consideration given to modifying the exit driveway, and the required structural root zones size for each tree.</p> <p>The outcome consequently impacted the positioning of the units on the site and compromised other design features of the development, unfortunately these 2 trees cannot be retained.</p> <p>Given that these trees cannot be retained, the report was not updated to correct the error.</p>	None	<p>Accepted</p> <p>The removal of fruit trees from the site is acceptable.</p>
<p>Resident inquired as whether the fences between adjoining properties and (No.3 Noels Street) & the site would be replaced?</p> <p>There was a slight preference for Colorbond, however paling fence was also an acceptable alternative in their opinion.</p>	<p>The fencing to the eastern boundary has not been identified as needing replacement, and as such will remain in place. The southern boundary fencing will require replacement as part of the development. Drawings have been updated to notes on fence replacement.</p>	Replacement of the southern fence.	<p>Accepted</p> <p>Fencing is a civil matter, replacement of fencing is to be agreed between the two property owners.</p>
<p>Eastern boundary fence has not moved in 25 years of his ownership and that the easement created in favour of the units in Dundas Street was undertaken about 10 years ago.</p>	<p>Land surveyor engaged, and the location of the pipe laid in the easement and adjoining site boundaries established. Buildings are positioned outside of the Easement. Eastern boundary fence to be retained.</p>	None	Accepted.



<p>Commended on the use of more efficient and environmentally sustainable building design and practices.</p> <p>(due to 4 to 5 degree temperature difference between Lancefield vis Melbourne)</p> <p>Proposed that Wintringham advice future residents of this temperature difference and are made aware of the need for warm clothing and good footwear.</p>	<p>Noted.</p> <p>Wintringham aims to make its properties <i>available to those in the local community who currently reside in the area</i>, and who meet our eligibility criterion.</p>	None	Accepted.
<p>Concern that the medical support including access to specialists' and other disability support are in short supply in the Lancefield area.</p> <p>Meaning that travel may well be necessary.</p>	<p>The nature of the units in this development are independent Living Units (ILU's). Units are provided for those who are independent in their daily living activities, however, can accommodate in home care, under an aging-in -place model, where appropriate. Wintringham have regular contact with residents. We can assist in providing Aged Care if appropriate.</p>	None.	Accepted.
<p>Concern over barking dogs, especially when their owners are not home, along with Cats, which if left outside, wander the neighbourhood defecating and killing birds.</p>	<p>Wintringham understand the concern regarding domestic pets and acknowledge that owners are ultimately responsible the behaviour of their pet.</p> <p>However, under recent changes to the Residential Tenancies Act, resident in leased properties cannot be denied the ability to keep a domestic pet should they desire.</p>	None	Accepted. Pets come under local laws of the council.
<p>Suggestion that Toilet suites which stand circa 480mm above FFL are more comfortable for older persons to use. (as is the case in many medical and aged care facilities).</p>	<p>Wintringham Design standards recognise this, and while the draft fixtures schedule provided in the planning documents did show a lower pan height, this has been amended.</p>	None	Accepted.



Council Comment	Applicant Response	Specific Changes	DTP Assessment
The land is zoned General Residential of which the purpose includes “ <i>To encourage development that respects the neighbourhood character of the area</i> ”	The development is sympathetic to the streetscape and an appropriate development for the sites GRZ zoning, given its proximity to the town centre. The application is also well known within all necessary planning requirements set out in the local Planning Scheme, along with other design guidelines applicable to the type and nature of this development.	No change.	Accepted. The proposal is replacing a development that is a dense development.
The extent of development on the site is greater than the current town character. To manage the change in built form Council would like to see appropriate landscaping on the site as part of the final development.	Landscaping of both public and private spaces has been considered and is documented in the Landscaping drawings. The design of the landscaping will complement the character of landscaping in the wider neighbourhood.	Noted and addressed.	Accepted. The plans have been submitted with a comprehensive landscape plan.
The council generally prefers a single vehicle crossover to the site – this maintains a safer pedestrian and road environment. If a second vehicle point access is required we suggest that it be located to maintain on street parking, and that sight lines provide safety for pedestrians.	Presently, both allotments (no.3 & 5 Noel Street) are each served with a single crossover. This proposal maintains that quantum, via the use of a one-directional driveway and by consolidating carparking of the five units with street frontages. The crossover spacing maximizes the opportunity to maintain optimal on-street parking, while maintaining sight lines between pedestrians and drivers. The two crossovers total 8% of the street frontage allocation, far less than the 33% allocation permissible under ResCode.	No change.	Accepted. The location of the crossovers provides the maximum street frontage for on street parking.
The proposed footpath connections, road management, stormwater management, and statutory car parking requirements have been satisfactorily shown on the plan.	Wintringham are in agreement with this statement (to the extent this infrastructure currently exists in Noel Street). The Shire wide footpath plan, 2018 – 2027 redefines Noel Street Lancefield as “low” priority for footpath development. Wintringham propose to address the development frontage with a granitic gravel path, to address comments about the absence of the footpath. This proposition has not yet been made to Council.	No change	Accepted. The development provides one car space per dwelling.



	<p>The stormwater, legal point of discharge (LPOD) has been obtained and referenced in our design.</p> <p>Car parking provisions exceed the required number of space under the 52.20.6-7 provisions by 41% or 5 additional spaces.</p>		
<p>Council would expect the resident to use Council's four-bin system when completed.</p>	<p>The use of the Council's four-bin system is an integral part of the site's waste management plan for this development. Refer to the existing WMS.</p>	<p>No change</p>	<p>Accepted.</p>



Appendix C

Clause 52.20-5 Pre-Commencement Requirements

<i>Written confirmation from the Department of Health and Human Services or the Director of Housing that the application is funded, either wholly or partly, under Victoria's Big Housing Build program.</i>	A letter confirming redevelopment of the site is to be carried out on behalf of the Director of Housing and will be funded under the Big Housing Build program has been included as part of this submission.
<i>A project boundary plan that shows the boundary of the land on which the use or development will be undertaken.</i>	The submitted Design Report and Architectural Plans clearly indicate the boundary of the land.
<i>A site description and analysis plan that accurately describes the natural, physical, cultural heritage, built heritage, landscape, vegetation, access and any other notable features, characteristics and significance of the site and surrounding area including the existing use and development of the site and surrounding land.</i>	The submitted Planning Report provide sufficient detail to address this requirement.
<i>A description of the proposed use including:</i> <ul style="list-style-type: none">• <i>The activities that will be carried out.</i>• <i>The likely effects, if any, on the site and surrounding land and land uses, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation.</i>	The submitted Planning Report provide sufficient detail to address this requirement.
<i>Detailed plans and elevations of the proposed development drawn to scale and dimensioned, including details of any buildings or works proposed to be demolished or removed, and any vegetation proposed to be retained or removed.</i>	It is considered that the plans submitted with the application addresses this requirement.
<i>Explanation of how the proposed use or development derives from and responds to the site description and analysis plan.</i>	The submitted Planning Report addresses this requirement.



<i>A report that addresses the proposed use or development and how it responds to purposes, objectives, or statements of significance or risk of any zone, overlay, or other provision that would apply to the use or development were it not for the exemptions in clause 52.20-2. This does not include clauses 54, 55, 58 and 59. The report must address how a proposed use that is not a dwelling or residential building is in conjunction with that use</i>	<p>A permit would be required under the General Residential Zone of the Macedon Ranges Planning Scheme were it not for the exemptions available under clause 52.20-2.</p> <p>The submitted planning report satisfactorily addresses the zone controls and state and local planning policy. These will be discussed where relevant in the assessment section of this report.</p>
<i>A design review report prepared by a suitably qualified architect or urban designer that demonstrates how the project achieves good quality design outcomes.</i>	The submitted Planning Report addresses this requirement.
<i>A schedule of works and development including staging and the expected commencement and completion times.</i>	The development is not of a scale which requires a schedule of works.
<p><i>A report that details how the proposed development responds to the development standards of:</i></p> <ul style="list-style-type: none"><i>– Clause 52.20-6 for the construction or extension of a dwelling.</i><i>– Clause 52.20-6 and clause 52.20-7 for the construction or extension of an apartment development or residential building or the construction or extension a dwelling in or forming part of an apartment development or residential building. The development standards of clause 52.20-6.8 does not apply to an apartment development or residential building of 5 or more storeys. The development standards of clauses 52.20-6.14 and 52.20-6.18 do not apply to an apartment development or residential building.</i>	The submitted Planning Report both provide sufficient detail to address this requirement.
<i>If the Minister for Planning has decided that an assessment through an environment effects statement under the Environment Effects Act 1978 is not required for the proposed development and the decision is subject to conditions:</i>	No environmental effects statement is required under the Environment Effects Act 1978 for this application.



<p>– A report that details how each condition has been considered and addressed in the design, construction and operation of the proposed development.</p> <p>– A copy of any report, plan or other document required to be prepared under those conditions.</p>	
<p>A plan for the management or mitigation of potential adverse effects or impacts on the environment or amenity from the proposed use or development, during and following construction.</p>	<p>Not necessary given the scale of the proposal.</p>
<p>If the use or development would require a permit were it not for the exemption in clause 52.20-2 and a copy of the application for that permit would be required to be given to a referral authority under section 55 of the Act, the comments of that referral authority on the proposed use or development.</p>	<p>The application was not required to be referred.</p>
<p>Any other plan, document or information the responsible authority considers necessary to assist the assessment of the proposed use or development or the plans and documents required to be prepared under this clause.</p>	<p>No additional information is considered necessary to assist the assessment of this application.</p>
<p>A report that demonstrates that the environmental conditions of the land are or will be suitable for the use and development including any significant effects which the use or development may have on the environment or which the environment may have on the use or development including water, noise, air or land pollution impacts on the environment, amenity or human health.</p>	<p>Environmental and geotechnical investigations are not required.</p>