

Panel Presentation

Amendment C99

Macedon Ranges Planning Scheme

Kyneton Structure Plan

14 April, 2016

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1 INTRODUCTION

1.1 The Association

Macedon Ranges Residents' Association is a voluntary, non-party political community group, established in 1995. The Association's Purposes are included, for the Panel's reference, at Attachment 1.

The Association has been active in planning issues at Shire and State level for many years, and has campaigned for 15 years for re-instatement of State planning protection for the Macedon Ranges, processes for which are now underway.

1.2 Association Submission

The Association's submission to Amendment C99 (No. 43) considered the exhibited amendment's content and directions differed significantly enough from the adopted Structure Plan, that the amendment could not be said to be implementing the Kyneton Structure Plan. Some changes have been made without notice or consultation until the amendment's exhibition.

1.3 Changes Requested by MRRA

(Point 17 MRRA Exhibition Submission #43)

The Association requested:

- a) Council provide a comparison table detailing how and where Structure Plan recommendations have been translated into Amendment C99.
- b) Issues raised in MRRA's submission be addressed and resolved.
- c) The adopted Structure Plan's Neighbourhood Character Study be re-instated.
- d) Amendment C99 be redrafted to remove changes not derived from the Structure Plan and include Structure Plan content and recommendations, and the revised amendment be re-exhibited.

Council responses (#1 - #4) were that a comparison table is provided with the Explanatory Report's Implementation Report, issues raised are addressed in responses to submissions, at Key Issue E (neighbourhood character), and:

"Reasons for the variations from the KSP are discussed in the Key Issues section above. Redrafting the amendment is not considered necessary, apart from the changes recommended in this document."

1.4 About This Presentation

The Association considers Council's overall response unsatisfactory, and fails to address issues raised, or explain at times significant changes. We propose to raise these with the Panel. This presentation discusses background issues and key planning considerations; summarises and cross-references issues raised in our exhibition submission and variously addresses Council responses, and also addresses some proposed post-exhibition changes.

2 OVERVIEW OF PLANNING IN KYNETON

The following is offered as background information which may assist the Panel in its deliberations on C99.

2.1 Background

Kyneton could well be called the “grand dame” of Macedon Ranges’ towns. It has always been a self-sufficient rural town - in touch with its important agricultural base - that as equally looks north to Bendigo as south to Melbourne. Its gravitas, dignity and substance reflect and embody the important roles it has played in Australian and Victorian history.

Major Mitchell named the Campaspe River in 1836, and the first squatter, C.H. Ebdon, arrived in 1837. First surveyed in 1846 and chosen as a town site in 1848 to serve as a centre of law and administration, Kyneton was gazetted as a town in 1850, and proclaimed a municipality in 1857, a road district in 1859, and a Shire in 1865.

The town developed rapidly in the early 1850s as a gateway - and supply centre - to the Clunes, Castlemaine and Bendigo goldfields, becoming a major agricultural town at that time. The resultant building boom saw local bluestone quarrying become a substantial industry, the product of which remains a significant feature of the town today. The Melbourne railway link opened in 1862, and the state's first pasteurizing plant in the 1890s.

Caroline Chisholm lived in Kyneton circa 1858. The Kyneton Mechanics Institute is regarded as the birthplace of Australian Federation, hosting an ANA (Australian Natives’ Association) AGM in 1893 where the decision to push for Federation was taken, followed up with a large meeting at Corowa later that year. Kyneton is also synonymous with the establishment of the famed “Beersheba” Australian Light Horse Brigade.

At Council amalgamations in 1995, part of the Shire of Kyneton (Trentham) was transferred to Hepburn Shire.

2.2 First Shire of Kyneton Planning Scheme

According to the Government Gazette, the former Shire of Kyneton began preparing a planning scheme in 1947 and if so, appears to have operated under an Interim Development Order [IDO] of one form or another for almost 50 years.

Kyneton adopted its first planning scheme in 1995, the last of the four former Shires comprising Macedon Ranges Shire to do so. The Kyneton scheme was the Shire’s first to introduce formal overlays, and operated as Chapter 5 of the Macedon Ranges planning scheme until adoption of the new format scheme in 2000.

In 1995, Kyneton’s urban centre population (1991 census ¹) was 3,940 persons, which represented a fall in population (-70 persons) from 1986. 13.1% of the 1,651 total dwellings were unoccupied.

Prior to adopting its scheme, the Shire of Kyneton produced the following key strategic documents:

Kyneton Retail Strategy (1991)

Campaspe River Landscape Concept (1994?) (Reference document at Clause 21.05 current scheme)

Shire of Kyneton Heritage Study (1990) (Reference document at Clause 21.08 current scheme)

Kyneton Streetscape Study (1994) (Reference document at Clause 21.08 current scheme)

Kyneton Framework Plan (1991) ² (Reference document at Clause 21.04 current scheme)

¹ ABS 2730.2 - Census Counts for Small Areas Victoria – 1991 Census of Population and Housing, 30 June 1991. Persons and Dwellings in Local Government areas and Urban Centres, Victoria

The Kyneton Framework Plan provided the strategic basis for the scheme, and strongly focussed on promoting economic growth in Kyneton, including agriculture; protecting heritage, character, landscapes, water quality/storages/catchments; and managing stormwater, land and hazards. The Plan anticipated 2.3% annual growth rates³ and a population of around 14,000 by 2011.⁴

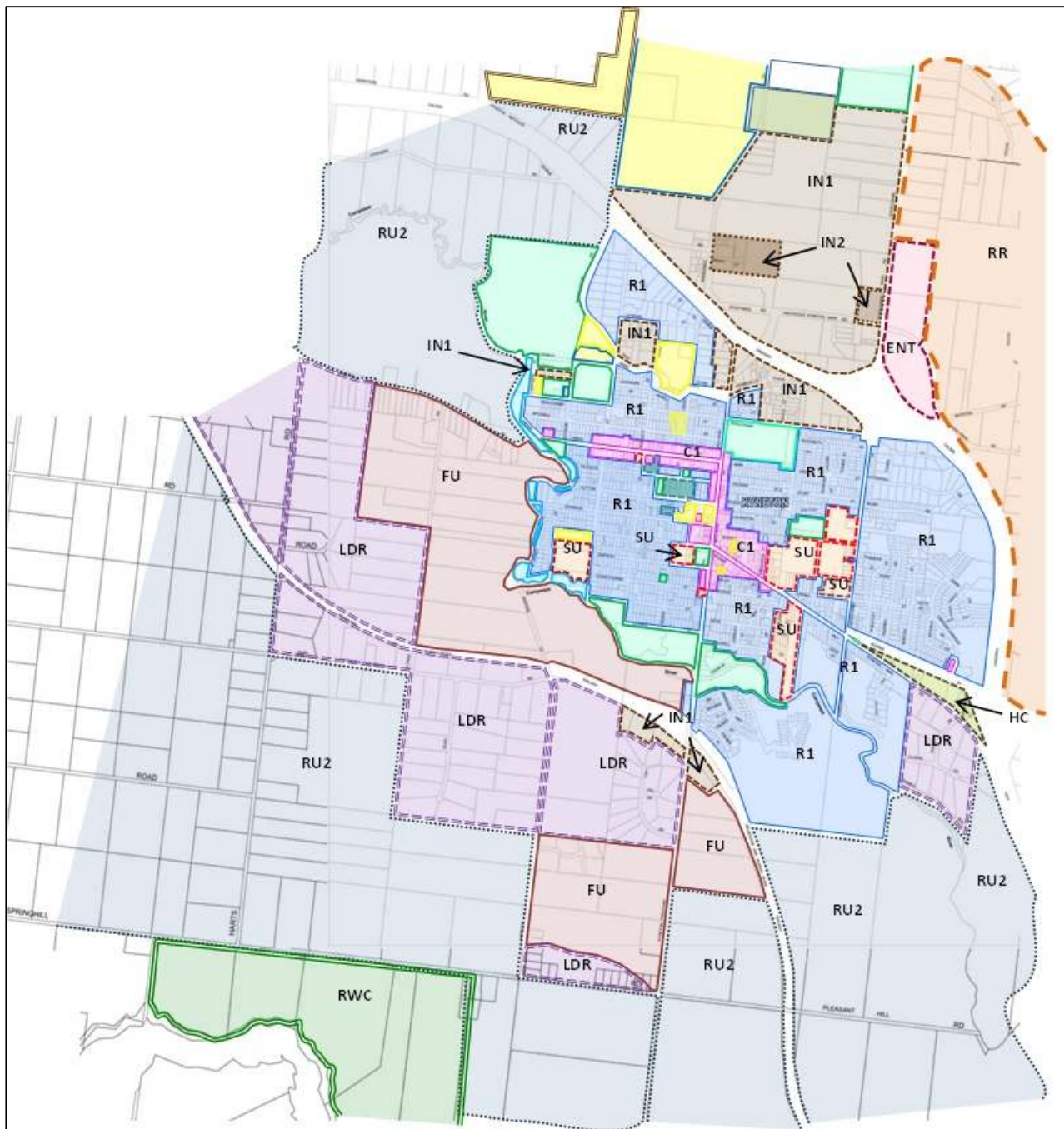
The Kyneton scheme aligned with the Framework Plan, and introduced prescriptive controls that addressed multiple issues in zones, with a hefty list of prohibitions. For example, stringent tenement controls restricted residential development on rural land, while the town's 'urban' Residential (R1) zone defaulted to "prohibited" innominate use. The scheme paid particular attention to excluding inappropriate use, as well as setbacks, buildings and works, and regulating proximity to the freeway and access to declared roads. Buildings and works required referrals, and overlays set permit requirements, and subdivision/development restrictions, that over-rode all other scheme controls.

Figure 1 shows zones applied in and around the town by the Shire of Kyneton planning scheme (as at 2000).

² Kyneton Framework Plan, John Bennet & Associates and Newell Barret, 1991

³ Kyneton Framework Plan, John Bennet & Associates and Newell Barret, 1991 Executive Summary, page 3

⁴ Kyneton Framework Plan, John Bennet & Associates and Newell Barret, 1991 Executive Summary, page 2



 R1 Residential 530m ²	 RU2 Rural General Farming B zone 40ha / tenement controls
 LDR Low Density Residential zone 0.5ha	 RWC Rural Water Catchment zone 40ha / tenement controls
 RR Rural Residential 2ha	 Special Use (schools, hospital, nursing home)
 FU Future Urban 10ha	 Special Use - Church
 C Commercial	 Public Use (Local government / authorities / various)
 HC Low Density Commercial zone	 Public Use – LG - Recreation
 ENT Enterprise zone	 Public Use - Water Frontage Reserve
 IN1 Industrial 1	 Public Use – Coliban Water
 IN2 Industrial 2	 Public Use - Airfield
	 Public Use - Cemetery

Figure 1 Zones applied in the Shire of Kyneton planning scheme

Of the main zones:

- a) The **Residential (R1)** zone set a minimum 530m² subdivision size for normal urban, and multi-dwelling, residential development. Multi-dwelling development controls included a density ratio (maximum 75 persons per site hectare based on dwelling floor area), with single storey development only.
- b) The **Low Density Residential (LDR)** zone set a minimum subdivision size of 5,000m², and setbacks of 50m (street), 20m (other boundary).
- c) The **Rural Residential (RR)** zone controlled use and development adjacent to water courses and storages and within proclaimed catchments, with strong emphasis upon land management. Minimum subdivision area was 2ha.
- d) The **Future Urban zone (FU)** identified land set aside for future urban use, on the basis of outline development plans and availability of services.
- e) The **Rural General Farming B (RU2)** and **Rural Water Catchment (RWC)** zones had 40ha minimum subdivision, and tenement controls over dwelling development. Their purposes also addressed rural landscapes, ecology and habitat, water quality protection and conservation of soil resources.
- f) The **Low Density Commercial (HC)** zone (now IN1 at Bourke St) provided for low intensity commercial (semi-industrial) facilities on the periphery of Kyneton that preserved the visual amenity, safety and functional operation of the (then) Calder Highway.
- g) The **Enterprise (ENT)** zone targeted office, industrial and commercial uses requiring large areas of land or a non-central location, and particularly 'clustering' of innovative industries and businesses.

2.3 New Format Macedon Ranges Planning Scheme, 2000

The new scheme replaced Kyneton's specific controls for protecting rural resources, character, landscapes and context with generic, performance-based planning controls. The VPPs have produced distinctly suburban outcomes within the town (for example, residential development south of the river) and, with loss of tenement controls, equally damaging outcomes in rural and water catchment areas. These difficulties have been compounded by:

- 1) 'Best fit' translation of former prescriptive schemes into the new format planning scheme.
- 2) An incomplete planning scheme – panel recommendations not implemented, strategic work not done.
- 3) Lack of a "rural" ResCode, and an inability within the VPP system to produce controls and outcomes compatible with issues in the local context confronting towns like Kyneton.
- 4) Loss of local knowledge since Council amalgamations, and the VPP planning system, has led to loss of a 'protection' and 'conservation' culture for this area at government and agency levels.
- 5) Recent shifts in Council's strategic priorities from environment, to growth and economic development.
- 6) Victoria In Future population projections, which reflect what *has* been happening, untempered by policy.

Figure 2 shows the zone controls currently applied to Kyneton in the current Macedon Ranges planning scheme.

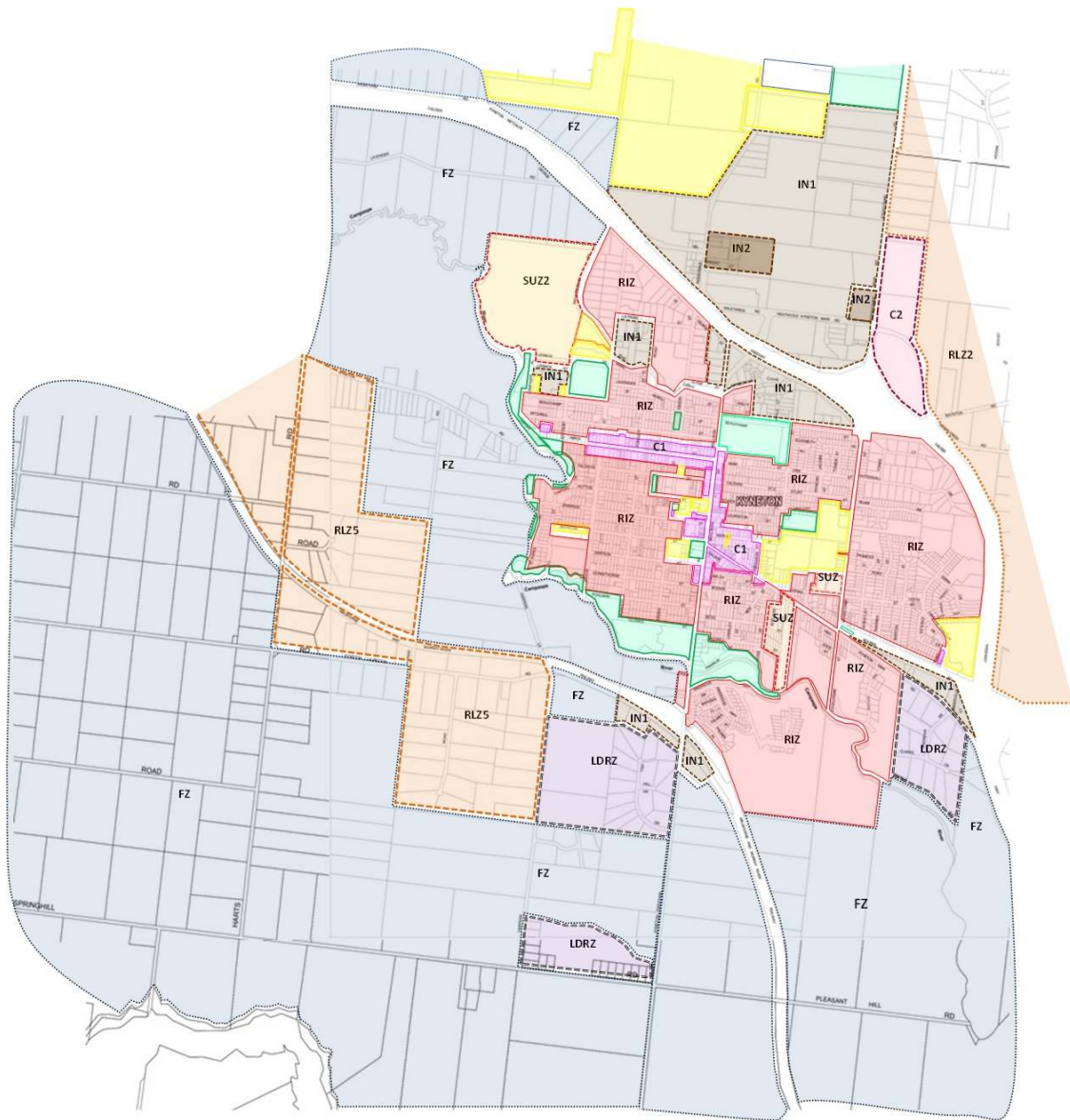














Figure 2 Current zoning, Macedon Ranges planning scheme

	R1Z Residential 1 zone / GRZ1		FZ Farming zone 40ha
	LDRZ Low Density Residential zone 0.4 / 0.2 ha		Public Use (Local government / authorities/ various)
	RLZ2 Rural Living zone 2ha		Public Open Space
	RLZ5 Rural Living zone 8ha		Special Use zone (schools, racecourse, nursing home)
	C1 Commercial 1 zone		IN1 Industrial 1 zone
	C2 Commercial 2 zone		IN2 Industrial 2 zone

The most significant differences from the Kyneton scheme include:

- Future Urban land back-zoned to Rural zone in 2000, bringing rural land close to the town.
- Low Density Residential areas west of the town rezoned to Rural Living schedule 5 (8ha) in 2006.
- A Residential 1 zone without a minimum lot size (or a multi-dwelling density ratio).
- Conversion of the Low Density Commercial area at Bourke Street to Industrial 1.
- Loss of the Rural Water Catchment zone, and tenement controls.

3 ADDITIONAL PLANNING CONSIDERATIONS

Although Clause 21.13-2 lists some Further Strategic Work, decisions will be made about C99 before that work is available. The Association feels it may be beneficial to raise concerns and add information on some issues at this time.

3.1 Special Water Supply Catchments

All of Kyneton township and its rural surrounds are located within Special Water Supply Catchments [SWSC] which supply domestic and rural water to Kyneton, Bendigo and Castlemaine and other northern towns/areas. Environmental Significance Overlay 4 is applied to the entire area, and township, to protect water quality.

Although some consider the only issue for water quality is effluent (i.e. reticulated sewerage fixes the 'problem'), additional threats to water quality, water ways and water storages include nutrients, contaminants and pollutants, vegetation removal, and soil disturbance which produces sediments that silt rivers and reservoirs. What happens in the town, and around it, has implications for water supply in both a local and regional context. In these catchments, use, development and planning can't just be 'business as usual'.

3.2 Fire

Loddon Mallee South Regional Growth Plan identifies Kyneton as having both urban bushfire, and urban flooding, considerations.⁵

Figure 3 shows land surrounding and within the town is classified as "bushfire prone", including existing residential zones and 'potential growth' areas south of the town.



Figure 3 Designated bushfire prone areas (shaded green) around and inside Kyneton⁶

⁵ Map 8, page 33, Loddon Mallee South Regional Growth Plan

⁶ Titles Office "Bushfire Prone Areas" mapping.

While Kyneton is not identified as having extreme fire risk (as are Woodend and Riddells Creek), serious grass and scrub fires from the north have threatened the town in recent years, including the 2015 Blackhill fires, and a fast-moving grass fire on January 19 this year (both triggered “too late to leave” emergency warnings for Kyneton residents).

State policy at Clause 13.05-1 *Bushfire planning strategies and principles* has the following requirement:

“Bushfire hazard identification and risk assessment strategies:

Assess the risk to life property and community infrastructure from bushfire at a regional, municipal and local scale.” [emphasis added]

“Overarching strategies:

Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire. [emphasis added]

Where appropriate apply the precautionary principle to planning and decision-making when assessing the risk to life property and community infrastructure from bushfire.”

3.3 Flooding and Drainage

The Campaspe River is a major watercourse with potential for major flooding around the town. Post Office Creek, and various lesser drainage lines, are additional considerations. Land Subject to Inundation overlays apply to the river and creek.

The former Kyneton scheme responded to flooding hazard with a flood overlay, and *Land Liable To Flooding* policy.⁷ The policy prohibited detached houses on lots less than 40ha and subdivision to create a new lot, and required a permit for buildings and works both within the overlay, *and* within 100m of any watercourse.

The Macedon Ranges new format planning scheme Advisory Committee’s 1999 report recommended a Special Building Overlay be applied to areas with known overland flow and drainage problems, prior to any subdivision.⁸ This has not been done.

Upon approving the new scheme in 2000, then Minister for Planning, John Thwaites, advised:⁹

*“Provisions for Land Subject to Inundation overlays have been included. Overlay provisions relating to salinity, **floodways**, erosion (other than at Malmsbury) and good quality agricultural land have all been excluded at this stage, pending the introduction of the latest mapping information by later amendments.” [emphasis added]*

As drainage-related SBO and floodway overlays/zones have not yet been applied anywhere in the Shire, the existing Land Subject to Inundation overlay at Kyneton does not reflect the true nature of flooding or extent of floodways.

3.4 Poor Land Capability

Although the Kyneton planning scheme included overlays for land with poor capability, the Kyneton Land Capability Study wasn’t completed until 1996, the year after the Kyneton scheme was approved.

⁷ Clause 28, Kyneton planning scheme.

⁸ Recommendation 15, After Adoption, 1999 New Format Advisory Committee Report

⁹ Minister’s letter of approval, 14 June 2000

Soils around Kyneton township include basalts that are prone to severe cracking, shallow depth to rock, and/or high water tables, which can have poor capacity for development (building foundations), dams and effluent disposal.¹⁰ The Kyneton Land Capability Study map shows some of these soil types occur in areas proposed for future urban growth south of Kyneton.

The former Kyneton scheme included land around the Latrobe Street industrial area - which is proposed for GRZ5 in C99 – within an overlay for moderate land capability. The scheme required a planning permit for all buildings and works in these areas, regardless of any other provision in the scheme. Amendment C99 does not.

3.5 Waterways

The Kyneton area is part of the head waters of the Coliban and Campaspe river systems, and the Murray-Darling Basin system. As the Campaspe River delivers high salt loads to the Murray River, water supplies within the catchment rely on “sweet” water from headwater areas to help dilute salinity impacts.

The Loddon Mallee South Regional Growth Plan includes the Campaspe River as one of the Region’s:

“significant water assets which contribute to the attractive natural environment and support important ecosystems, heritage values and provide essential water supply to the region’s people, industry and environment.”¹¹

The Land Conservation Council identified the Campaspe as a river with botanical significance at State level. **Figure 4** shows this significance applies to the river’s reaches above, through and south of Kyneton township.

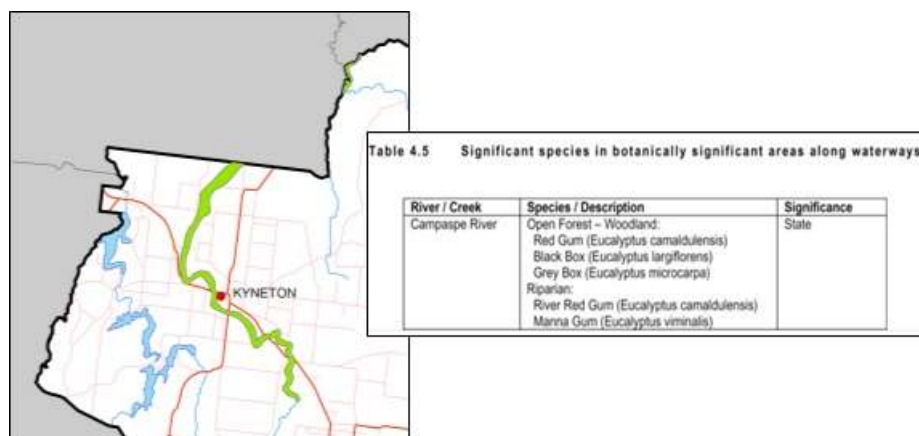


Figure 4 Areas of (state) botanical significance, Campaspe River¹²

3.6 Ecological Values

Although Kyneton is sometimes seen as the ecological ‘poor relation’ in comparison with other parts of the Shire, it is not entirely a desert. Bald Hill Reserve, east of the freeway is home to two nationally significant (EPBC endangered, and vulnerable) flora species, and one nationally (EPBC vulnerable) frog species.

Figures 5 and 6 show “very highly significant” habitat and endangered Ecological Vegetation Class/es within the Kyneton Structure Plan study area. Their presence is relevant to C99.

¹⁰ Kyneton Land Capability Study, 1996.

¹¹ Map 5, page 15 Loddon Mallee South Regional Growth Plan

¹² Pages 80-81, Macedon Ranges Habitat Quality and Conservation Significance Report, 2004

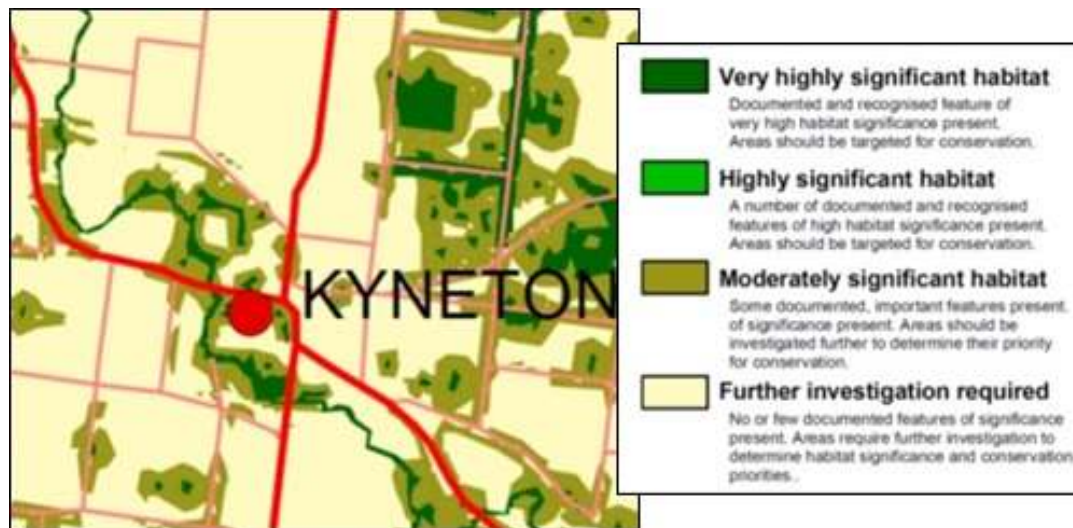


Figure 5 “Very highly significant habitat” areas south of Kyneton – “areas should be targeted for conservation”. ¹³

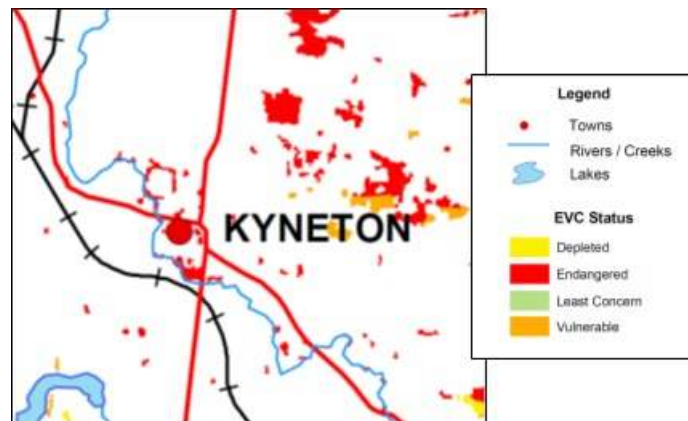


Figure 6 Conservation status of ecological vegetation classes (EVC) showing endangered EVCs south of Kyneton near and on the Campaspe River, and south of the railway

3.7 Kyneton Airfield

Kyneton Airfield is located north of the Calder Freeway, some 600 metres from existing residential zoned land within the town boundary (Figure 7). Airport Environs and Design and Development overlays (both have the same footprint) apply to part of the Large Lot precinct near Post Office Creek.

Council owns the airfield, which is surrounded on three sides by private land. In February 2014, funding was received for infrastructure which enabled introduction of night operations and 24/7 self-service refuelling facilities. The previously bucolic airfield now also operates training flights, including “touch and go” landing practice runs.

The recent escalation of airfield operations has provoked numerous complaints from rural and town residents, particularly those near the airfield or under the airfield’s flight paths – inside and outside the AEO.

¹³ Page 100, Macedon Ranges Habitat Quality and Conservation Significance Report, 2004

The Association submits that as Council plans further economic development expansion at the airfield - said to include additional hangars, war planes, commercial and potentially residential activities – the impact of the airfield's operations must be considered in terms of C99 proposals for additional residential and other development in the vicinity of its flight path.

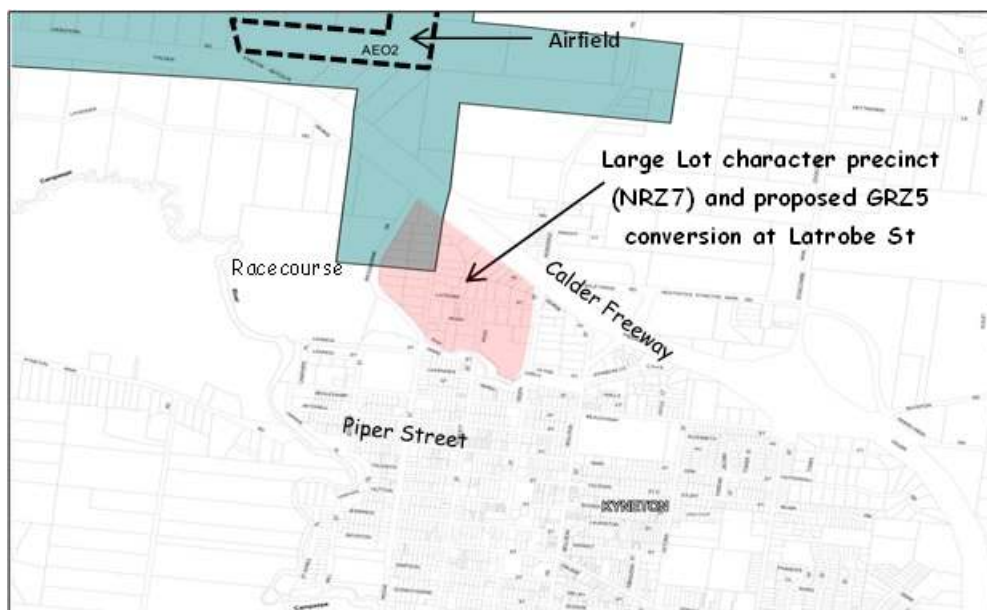


Figure 7 Kyneton Airfield and AEO relative to residential development, and NRZ7 and GRZ5 development areas proposed in C99

The Association submits that all of the issues raised in this section are relevant to C99, including the nature and scale of investigation undertaken and justification provided for changes and intensification of land use and development.

3.7.1 MRRA request to Panel:

A. The above matters be considered in assessing Amendment C99.

4 POPULATION GROWTH

4.1 Macedon Ranges Settlement Strategy: Macedon Ranges Shire

The Structure Plan's future growth scenario derives from the Macedon Ranges Settlement Strategy, which identified settlements and areas for growth (and no growth) in the Shire, and set 2006 (existing) and 2036 (recommended) settlement populations and hierarchies.

The Settlement Strategy distributed 90% of 2008 Victoria In Future population projections across the Shire.

Importantly, it found that while likely to undermine the sustainable future of the Shire, there was sufficient existing zoned land to accommodate full 2008 VIF population estimates, and that settlements in the Shire (except Riddells Creek) already had sufficient available zoned land to realise these population projections.

4.2 Macedon Ranges Settlement Strategy: Kyneton

In regard to Kyneton, the Strategy:¹⁴

- Identified a 'lower end' lot supply of 1,310 lots,¹⁵ (which could accommodate recommended growth (+2,900) out to 2036), and an 'upper end' lot supply of 1,530 lots (Figure 8).
- Included medium density development (i.e. a doubling of density within 400 metres of the town centre) in lower and upper end lot supply.
- Excluded Rural Living zoned land from lower end land supply (included in upper end supply).
- Applied a 0.8ha lot size to yield from Low Density Residential zoned land.
- Assumed *no growth* in the Shire's rural balance from 2006 out to 2036.

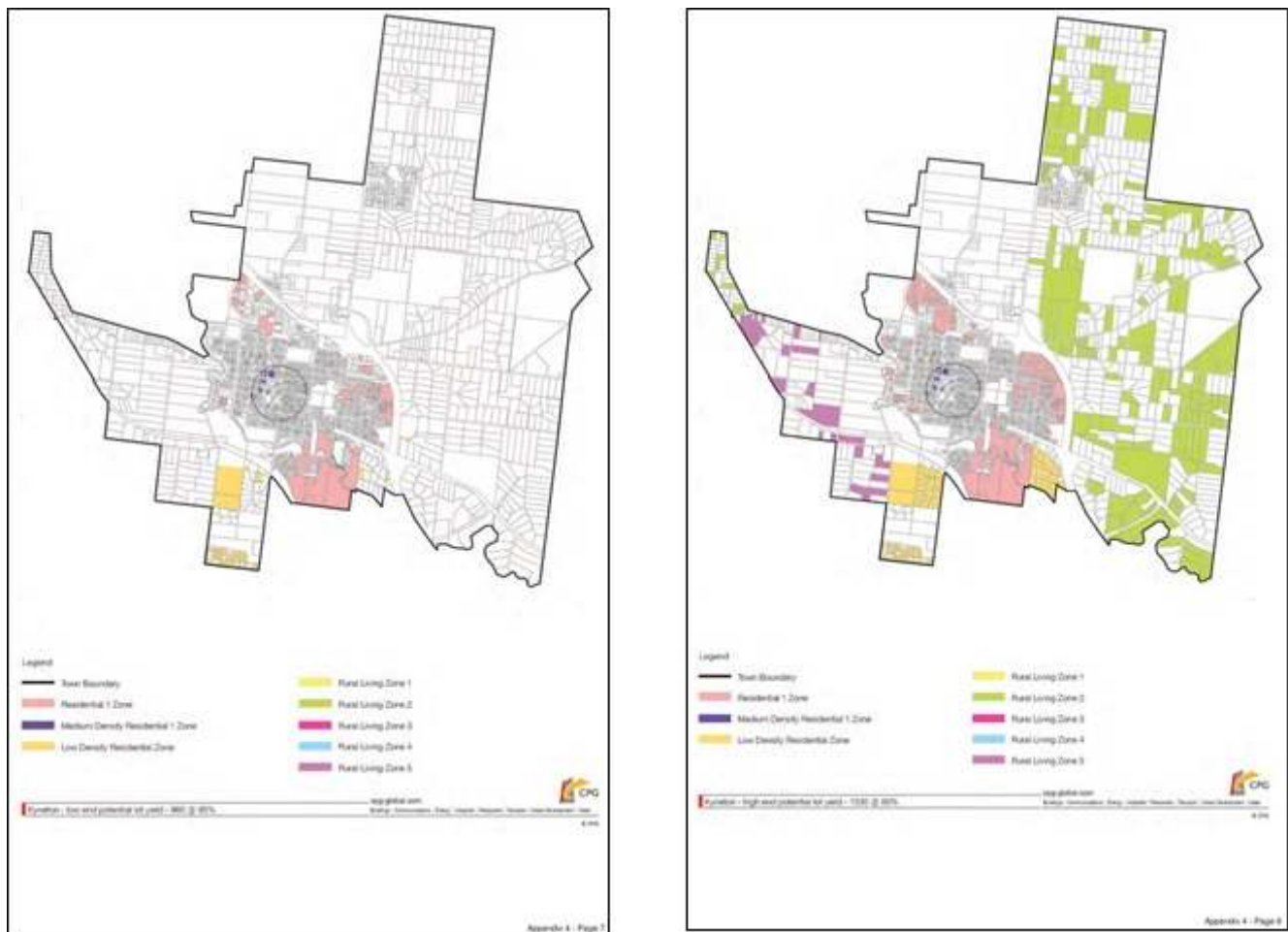


Figure 8 Lower end land supply (1,310 lots) and upper end land supply (1,530 lots) including doubling of density within 400 metres of the town centre (dark purple areas within central circle)¹⁶

4.3 Concerns With Growth

Several aspects relating to projected and anticipated growth in Kyneton do not sit comfortably, and we would like to walk the Panel through our concerns.

¹⁴ Methodology for residential land supply assessment is provided at Appendix 4 page 1, Macedon Ranges Settlement Strategy.

¹⁵ At 85% take-up and based on 1,000 m² lots, Appendix 4, page 19, Macedon Ranges Settlement Strategy 2011

¹⁶ Land supply, Kyneton: Appendix 4, pages 7 and 8, Macedon Ranges Settlement Strategy

1) Population Growth Assigned To Kyneton (Settlement Strategy)

Figure 9 shows the three 2036 population growth scenarios considered for Kyneton, based on a 2006 population of 5,700 within the Settlement Strategy's Study Area.

Figure 9 also shows effective (unconstrained) land supply as able to accommodate 8,600 people.

	Population	Increase	AAGR	% unconstrained land supply required to effectively accommodate forecast popn	Annual Population Increase
2006 Population	5,700				
2036 AAGR Reg Vic	7,900	39%	1.1%	92%	73
Reflecting the quantum growth in est ERP by Town 1991-2006	6,000	5%	0.2%	70%	10
2036 VIF 2008 Popn Applied	8,900	56%	1.5%	103%	107
Effective Supply*	8,600				

Figure 9 Population growth scenarios considered for Kyneton ¹⁷

Of note is the historical growth scenario for Kyneton, which would produce a 5% population increase (+300 people) and an annual growth rate of 0.2% (+ 10 persons pa) over 30 years.

The Settlement Strategy (Context Report) related this level of growth to annual lot demand in Kyneton (11 lots), and land supply available to accommodate it (99 years supply) (Figure 10).

Table 34 > Macedon Ranges Land Demand and Supply

	Annual Demand 2036 Reflecting the AAGR forecast for Regional Vic	Annual Demand 2036 Reflecting the magnitude of growth in est ERP by Town 1991-2006	Annual Demand 2036 reflecting VIF 2008 Popn Applied	Years Supply for population reflecting the AAGR forecast for Regional Vic	Years Supply for population reflecting the magnitude of growth in est ERP by Town 1991-2006	Years Supply for population reflecting VIF 2008 Popn Applied
Gisborne	112	199	250	73	41	33
Kyneton	73	11	106	15	99	10
Lancefield	29	9	42	34	110	24
Macedon	18	2	11	-1	-12	-2
Malmsbury	8	7	26	50	57	15
Mt Macedon	na	na	na	na	na	na
Riddells Creek	45	66	88	20	14	10
Romsey	51	87	155	37	22	12
Woodend	48	23	73	36	76	23

Figure 10 Settlement Strategy Context Report: Land Demand and Supply Scenarios for Kyneton ¹⁸

The growth scenario chosen for Kyneton – almost full 2008 Victoria In Future population projections – instead resulted in a recommended 2036 population of 8,600: a 56% increase from 2006, using a 1.5% average annual growth rate over 30 years.

The recommended 2036 population of 8,600 corresponds with the population able to be accommodated by effective land supply (as shown at Figure 9). ¹⁹ Despite its low historical growth rate, Kyneton was assigned the population it was considered capable of accommodating within existing residential zoned land. (Figure 11)

¹⁷ Appendix 3, page 6, Macedon Ranges Settlement Strategy: Table 7

¹⁸ Macedon Ranges Settlement Strategy, Context Report (2010), page 174 (99 years supply includes Rural Living zoned land supply)

¹⁹ Unconstrained land zoned for residential purposes – includes changing average household size, and allowance for unoccupied dwellings

	2006 Population	Recommended population 2036	Increase in population 2006 to 2036	Est. lot supply required to accommodate 2036 population	Theoretical vacant lot supply (lower) @ 85% take-up ¹	
Larger Settlements & Surrounds	Gisborne ²	8,900	14,700	5,800	2,200	3,320
	Kyneton	5,700	8,600	2,900	1,310	1,310 ³
	Lancefield	2,000	3,000	1,000	480	590
	Macedon	1,400	1,400	0	0	n/a
	Malmsbury	700	900	200	90	230
	Mt Macedon	1,100	1,100	0	n/a	n/a
	Riddells Creek	3,500	6,100	2,600	950	520
	Romsey	4,100	6,000	1,900	760	760
	Woodend	3,700	5,000	1,300	530	520
Rural Settlements	Ashbourne	320	320	0	0	0
	Benloch	430	430	0	0	0
	Bullengarook	710	710	0	n/a	n/a
	Carlsruhe ⁴	460	460	0	n/a	n/a
	Clarkefield ⁵	0	50	50	20	20
	Darraweit Guim	700	720	20	10	10
	Tylden	360	500	140	60	60
	Newham	590	600	10	5	5
	Lauriston ⁴	560	560	0	0	0
	Balance	4,770	4,770	0	0	0
Total	40,000	55,920	15,920	6,415	7,345	

Figure 11 Table 1, Macedon Ranges Settlement Strategy:
Recommended Population Projections 2006 – 2036 for Macedon Ranges Shire ²⁰

The Settlement Strategy noted: ²¹

“The principal impediment to developing Kyneton to the level forecast through the application of the VIF figures (i.e. 8,900) is the level of historical demand... just 10 people per annum.”

“Given the large supply of residentially zoned land in Kyneton... it will be important for the Council to be proactive in facilitating the growth of Kyneton, as historical growth levels would suggest very low growth would otherwise occur.”

“Important in this growth will be ensuring development is consistent with the preservation of the town character and the tourism role Kyneton plays.”

²⁰ Page 3, Table 1, Macedon Ranges Settlement Strategy 2011

²¹ Appendix 3, page 6, Macedon Ranges Settlement Strategy 2011

2) Use of the Settlement Strategy's Study Area Population As the Basis for Town Population & Growth



Figure 12 Settlement Strategy Study Area, and Kyneton Township (existing town boundary)

Figure 12 shows the relationship of the Settlement Strategy's Study Area with the town area, and also Farming and extensive Rural Living areas inside the Study Area.

It is important to note the Kyneton Study Area's population is the basis for the Settlement Strategy's 2006 and 2036 population projections for 'Kyneton'. That is:

The 2006 population 'starting point' (5,700) is the 2006 population of the *Study Area*, not the town. In 2006, the town's Urban Centre population was 4,286²², or 1,414 fewer persons.

The 2036 recommended population (8,600) is the 2036 population for the *Study Area*, not the town. It reflects application of (roughly) the VIF average annual growth rate to the *Study Area's* 2006 population of 5,700.

The 2006-2036 population increase (+2,900) is the population increase for the *Study Area*, not the town.

Instead of Study Area population growth being distributed across the Study Area, it is instead all being directed into the town. And that population is being put into the 'lower end' land supply only.

At the same time, Amendment C110 is now proposing additional population growth partly within the Study Area by rezoning existing Farming and Rural Living 5 zones to provide for new 2 ha rural residential development south of Kyneton.

3) Census Boundary Changes

The area counted as (census) urban centre at Kyneton has changed twice in the last 15 years.

²² Kyneton Urban centre population, ABS Quikstats, 2006

Figure 13 shows 'red' areas added in 2001,²³ and 'bright yellow' areas added/'blue' areas deleted in the 2011 census.²⁴



Figure 13 Boundary Changes to Kyneton Urban Centre count areas 2001 (left) and 2011 (right)

Corresponding swings in population growth rates can be seen in Table 1, where negative growth of -170 in 1996 changed to +274 in 2001, dipped in 2006, then rose again after 2011 boundary changes.

Table 1 Effects of change to urban centre boundaries on growth rates²⁵

Year	Population	People	% average annual growth rate	
1981	3,867			
1986	4,079	+212	+1.1%	10 years
1991	4,036	-43	-1.05%	+ 169, +0.4%
1996	3,866	-170	-0.8%	10 years
2001	4,140	+274	+1.4%	+104, +0.3%
2006	4,191	+51	+0.2%	
2011	4,349	+158	+0.7%	

4) C99's Acceleration Of Population Growth In Kyneton

(Points 2, 10 and 12, MRRA Exhibition Submission)

The Macedon Ranges Settlement Strategy identified Kyneton as a District Town in 2006²⁶, growing to Large District Town in 2036²⁷ (i.e. population between 6,000 and 10,000²⁸). Note: settlement hierarchies are also based on Study Area population.

In its submission, the Association expressed concern that C99 Clause 21.13-2 at Overview deleted reference to Kyneton's existing District Town status, and exaggerated population in Kyneton by using ABS State Suburb census data, prematurely elevating the town to Large District Town status in 2011 when it is projected to grow to that status by 2036, as shown in the current planning scheme (Figure 14).

²³ Documentation from Research Matters, *Towns in Time*, 2003

²⁴ *Towns In Time*, 2011

²⁵ *Towns In Time 2011 (Kyneton): enumerated population (includes visitors on census night)*.

²⁶ Page 20, Figure 3, "Existing Settlement Hierarchy", *Macedon Ranges Settlement Strategy 2011*

²⁷ Page 6, Figure 1, "Recommended Future", *Macedon Ranges Settlement Strategy 2011*

²⁸ Page 18, Table 2, "Settlement Hierarchy Definitions", *Macedon Ranges Settlement Strategy 2011*

Table 1 Settlement hierarchy vision						
Town	Hierarchy designation (population)					
	Locality/Hamlet (200+)	Village (500+)	Small Town (2,000+)	District Town (6,000+)	Large District Town (10,000+)	Regional Centre (10,000+)
Gisborne					2011 → 2036	
Kyneton, Romsey				2011 → 2036		
Riddells Creek, Lancefield			2011 → 2036			
Woodend				No change		
Bullengarook, Darraweit Gum, Malsbury			No change			
Benloch, Carlsruhe, Macedon, Mt Macedon, Lauriston, Newham		No change				
Ashbourne, Monegeetta- Bolinda,	No change					
Tylden	2014 → 2036					
Clarkefield	Refer to clause 21.13-11					
Rural balance	No change					

Figure 14 Settlement Strategy's settlement hierarchy for Kyneton:
District town 2006 to Large District town 2036²⁹

Council Response to MRRA (Submission 43, Response #5j): Key Issue D

Council stated that the ABS State Suburb data is the most closely related to the Settlement Strategy's Study Area and, based on State Suburb data, Kyneton has already passed the threshold of 6,000 persons to become a Large District Town in 2011.

The Association submits use of State Suburb data as a population base for the town is inappropriate. **Figure 15** shows why.

²⁹ Table 1, Clause 21.04 Settlement, Macedon Ranges planning scheme

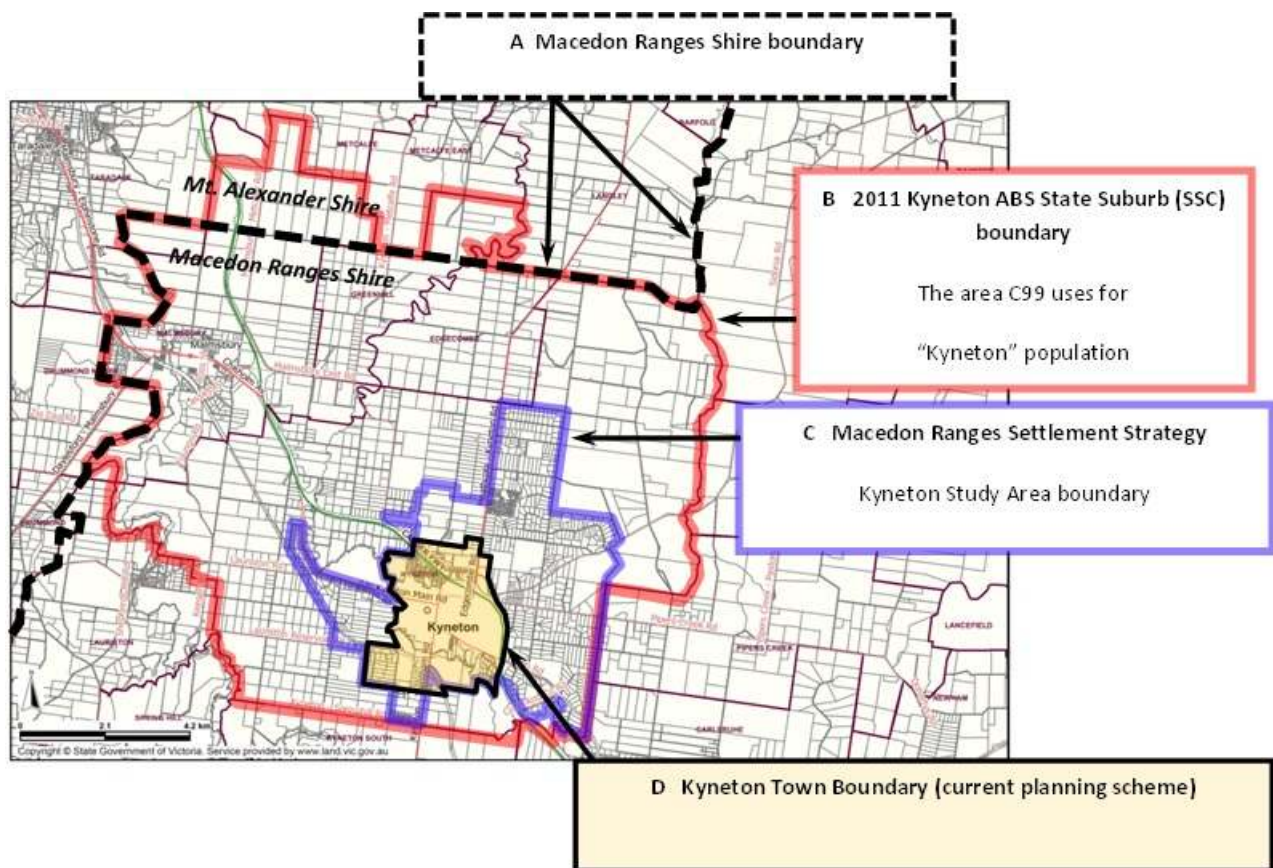


Figure 15 State Suburb count area used as the basis for "Kyneton" population in C99

Figure 15 shows:

- A. & B. The large 2011 State Suburb population count area which extends beyond the Macedon Ranges Shire boundary, which C99 uses as the basis for elevating Kyneton to a Large District Town in 2011.
- C. The Macedon Ranges Settlement Strategy's Study Area boundary, i.e. 'Kyneton and surrounds'
- D. The existing Kyneton town boundary – a much smaller area than both the SSC area and Settlement Strategy's Study Area.

Council proposes the following post-exhibition change to Clause 21.13-2 Overview (Key Issue D, Population data):

At the first sentence: *"The population of Kyneton and surrounds in 2011 was 6,629 persons. [4,460 of these lived in the township itself](#) (Australian Bureau of Statistics 2011 Census Quikstats, [SSC and UCL datasets](#))."*

The Association also challenged C99's assertion at Clause 21.13-2 Overview, that *"some of this growth can be accommodated within existing residential zoned land through infill development"* as inadequately reflecting Settlement Strategy and Structure Plan conclusions, respectively:

"No further land is expected to be required to be rezoned for residential purposes out to 2036." ³⁰

"Kyneton currently has sufficient supply of residentially zoned land to accommodate the projected population and lot requirements to 2036." ³¹

³⁰ Page 35, Macedon Ranges Settlement Strategy

Council Response to MRRA (Submission 43, Response #5j): Key Issue D

“Both the Settlement Strategy and Structure Plan assume that most growth will occur in the township itself, with limited growth in rural living areas and negligible growth in the surrounding farming zone.”

Council proposes the following post-exhibition change (Key Issue D, Population data):

At the second sentence: *“Some of this growth, most of which is expected to occur within the township itself, can be accommodated within existing residential zoned land through infill development.”*

The Association submits:

- a) Although inclusion of Urban Centre data helps, the State Suburb data still misrepresents the Settlement Strategy's Study Area.
- b) The post-exhibition change i.e. “at the second sentence” is not considered to clarify, or reflect strategic document conclusions.

4.3.1 MRRA request to Panel:

- A. That State Suburb population data be deleted from Clause 21.13-2.
- B. That Clause 21.13-2 Overview be amended to accurately and fully reflect the Settlement Strategy's and Structure Plan's conclusions regarding accommodation of growth out to 2036.

5) Acceleration Of Structure Plan Recommendations For Investigation

(Point 12, MRRA Exhibition Submission)

In raising issues at 4 (above), the Association also said *“C99 overlooks / alters Structure Plan recommendations for future growth, and instead implements policy supporting premature and unjustified expansion of the town.”*

Council Response to MRRA (Submission 43, Response #5k & l):

“The amendment does not rezone any land for expansion of residential zones. The Strategic Framework Map includes indicative areas for future growth within the “Southern Investigation area” identified in the KSP, Section 4.5 as possibly required in a 10 – 20 year timeframe. Together with policy for Settlement in Clause 21.13-2 this provides broad direction for growth when future rezoning is considered.”

The Structure Plan makes the following recommendations:

“Nominate an area south of the railway line as an ‘Investigation Area’ set aside for future medium to long term (10-20 year) growth subject to the substantial achievement of consolidation objectives.”³² [emphasis added]

“Investigate areas south of the railway station for future medium to long-term (10-20 year) future residential growth having regard to the Structure Plan objectives of consolidation and supply and demand pressures being met. Requires analysis of environmental, agricultural and landscape factors and protection as appropriate, and consideration of lot size and density range, existing industrial and rail uses, servicing, staging and funding matters.”³³ [emphasis added]

³¹ 2.0, Land Supply Analysis, Kyneton Structure Plan

³² 4.5 Residential Growth & Development, Action 4.

³³ 4.5 Residential Growth & Development, Direction 4.

C99, at Clause 21.13-2 *Settlement* ³⁴ translates this as:

“Plan for future greenfield growth to maintain a 15 year residential land supply by investigating areas south of the township, focusing initially on the southeast (east of the railway line and towards the Campaspe River).”

The C99 Explanatory Report, at (2) Implementation, says:

“The southern investigation area identified in the Structure Plan has been divided into three sections to reflect the progress that has occurred in relation to the investigation of these areas. The section east of the train line is identified for medium term growth, the area west of the train line for long term growth, and the area west of Trentham Road for low density residential development. The time horizon for progressing greenfield development has been clarified to ensure a 15 year supply of zoned land is available.”
[emphasis added]

Subsequent to the Directions Hearing for Amendments C99, C103 and C105, the Association asked council to provide information about the investigations that had occurred to justify the above. Council responded:

“Kyneton Structure Plan recommends investigating the Kyneton South area for medium to long-term growth. The timing “medium term growth area” and “long term growth area” reflects the likely timing for development of these areas based on the planning and investigations undertaken by the relevant landowners.” [emphasis added]

The Association notes that neither the timing nor this process was recommended by the Structure Plan, and further notes that the word “investigate” is not included with the “medium term growth” area on the C99 Strategic Framework Map.

4.3.2 MRRA request to Panel:

- A. That the timing assigned by C99 to the southern investigation areas be removed and replaced with ‘future investigation’.
- B. That the Structure Plan’s recommendations for future investigation – including substantial achievement of consolidation objectives – replace Strategy 1.2 at Clause 21.13-2 Settlement.

6) Inconsistencies In Population Data and Areas Applied To Growth In Kyneton

As post-2006 datasets for the Settlement Strategy’s Study Area have not been maintained, a confusing variety of figures, including data from much larger areas (e.g. ABS State Suburb and SA2 data) is being used in assessments for Kyneton population, and land supply and demand (**Table 2**). Differences between these areas is substantial.

³⁴ Strategy 1.2

Table 2 Differences in Population Data and Count Areas Being Used For Kyneton

Population Data Used for Kyneton								
Year	A Settlement Strategy Study Area		B ABS Urban Centre		C ABS State Suburb		D ABS SA2 Area (Urban Enterprise Report for C99)	
	People	Area Included (km ²)	People	Area Included (km ²)	People	Area Included (km ²)	People	Area Included (km ²)
2006	5,700	37?	4,286 ³⁵	9.5 ³⁶	5,905 ³⁷	144.0 ³⁸		
2011			4,460 ³⁹	7.2 ⁴⁰	6,629 ⁴¹	155.5 ⁴²	8,693 ⁴³	556.5 ⁴⁴
Growth			+174 0.8% pa		+724 2.5% pa		1.68% pa 2011-2014 ⁴⁵	
Dwellings			+58				+286	
2036	8,600	37?						
Growth	+2,900 1.5 – 1.7% pa							

The Association submits the variety of figures and count areas being applied has potential to produce conclusions that are unreliable or unrelated to town growth, and land supply and demand assessments.

The Settlement Strategy Study Area is significantly larger than the town, and the State Suburb area much larger again. The SA2 area mirrors the former Shire of Kyneton (over 70 times the size of the town) and, with the State Suburb area, includes land outside the Shire's boundary.

Yet the Kyneton Residential Demand Assessment produced for C99⁴⁶ notes:

"Given that there are no other major settlements in the Kyneton SA2 (50% of the SA2 population lived in the Kyneton UCL in 2011), this rate of growth is a useful guide as to the recent rate of population growth within the township in the absence of detailed township data."

The Association submits the SA2 data shows population and dwelling growth is occurring at a higher rate in rural areas than in the town, despite the Settlement Strategy's 'no growth' scenario for rural areas.

³⁵ Kyneton Urban centre population, ABS Quikstats, 2006

³⁶ Kyneton Urban Centre area, ABS Community profiles, 2006

³⁷ Kyneton State Suburb population, ABS Quikstats, 2006

³⁸ Kyneton State Suburb area, ABS Community profiles, 2006

³⁹ Kyneton Urban Centre population, ABS Quikstats, 2011

⁴⁰ Kyneton Urban Centre area, ABS Community profiles, 2011

⁴¹ Kyneton State Suburb population, ABS Quikstats, 2011

⁴² Kyneton State Suburb area, ABS Community profiles, 2011

⁴³ Kyneton SA2 population, ABS Community profiles, 2011

⁴⁴ Kyneton SA2 area, ABS Community profiles, 2011

⁴⁵ Urban Enterprise, Kyneton Residential Demand Assessment, March 2016 (for C99), page 8

⁴⁶ Urban Enterprise

4.4 C99 Extension of Kyneton Town Boundary

(Point 11 MRRA Exhibition Submission)

C99 alters the Kyneton town boundary, a change made after Council's adoption of the Structure Plan, without notice, community consultation, or strategic justification in the Structure Plan.

C99 Explanatory Report at #1 Settlement, Variation to the Structure Plan Recommendations says:

"The town boundary has been modified to include all existing residential zoned land as well as the low density residential and farm zone land west of Trentham Road proposed for low density redevelopment in the short term. This provides a clear distinction between the town's outer suburbs and the farming and rural living zone surrounds." [emphasis added]

Figure 16 shows the existing town boundary in the current planning scheme (highlighted in purple). Figure 17 shows the C99 town boundary (in red), and the existing town boundary (in purple).

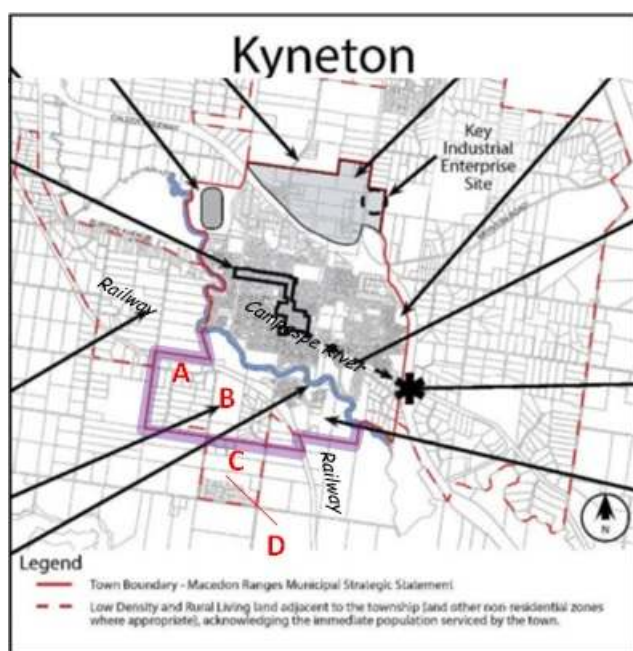


Figure 16 Existing Kyneton Township Framework Plan, Macedon Ranges Planning Scheme (Clause 21.13-2)

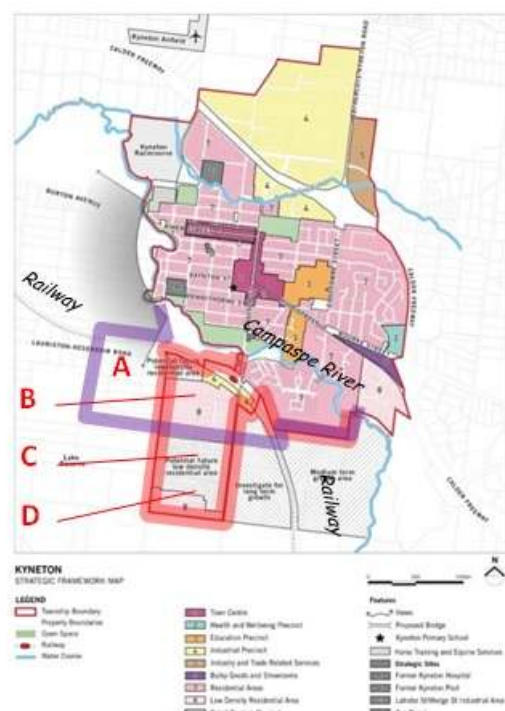


Figure 17 C99: Kyneton Strategic Framework Map (Clause 21.13-2)

- A. Existing RLZ5 zone (8ha). Excluded from the existing town boundary in C99. *Proposed to be rezoned to RLZ 2ha in Amendment C110.*
- B. Existing vacant LDRZ area near Hill Drive
- C. Existing Farming Zone included in C99 as "potential future low density residential area".
- D. Existing Farming zone proposed for Low Density Residential conversion in current Amendment C102

The Association submits changes made to the town boundary in C99 have not been subject to an appropriate process, are not supported by strategic justification, and also have the disturbing effect of:

- Removing a potential impediment to rezoning RLZ5 land for further Rural Living development in Amendment C110, and

- Providing immediate strategic justification for Amendment C102, and for rezoning other Farming zones to LDRZ in the short term rather than 'potentially in future'. Submission 37 (*C99 Clause 21.13-2 policy and Strategic Framework Map provide strategic justification for low density residential development of the land in question*)).⁴⁷

4.4.1 MRRA request to Panel:

A. Extension / changes to the town boundary in C99 not be supported.

4.5 Additional Considerations for Growth at Kyneton

The Association requests the Panel additionally consider:

- Exclusion of medium density housing in Settlement Strategy, Structure Plan and latest future land supply assessments, but inclusion of medium density building approvals in calculating lot demand.
- The slow historical growth of Kyneton township, and the effect of higher growth at Gisborne.
- High "churn" rates in Kyneton (shown in **Table 3**) which provide opportunities for people to 'buy into' the town without new residential development.

Table 3 Kyneton 'churn' rates over 30 years 1981 - 2011 (*Towns In Time, 2011 – Kyneton*)⁴⁸

Kyneton - Towns In Time: 'Churn' Rates

Census Year	Total population No.	Same address 5 years before No.	5 %	Not at same address 5 years before %	Unoccupied Private Dwellings	Persons Per Household
1981	3,867	2,010	52.0%	48.0%	11%	2.9
1986	4,079	2,042	50.1%	49.9%	9%	2.73
1991	4,036	2,044	50.6%	49.4%	12%	2.62
1996	3,866	2,037	52.7%	47.3%	13%	2.41
2001	4,140	2,026	48.9%	51.1%	8%	2.36
2006	4,191	2,143	51.1%	48.9%	12%	2.34
2011	4,349	2,148	49.4%	50.6%	11%	2.32

The Association submits the Settlement Strategy's use of Study Area population as the basis for future growth projections has always been contentious, and confusing. Transfer of Kyneton's *Study Area* growth to the town is clearly artificial, and places the town under undue pressure to accommodate it.

The level of proposed growth – and additional opportunities being created in C99 and other amendments – hurts Kyneton more than most towns because of the high growth rate applied to 2006 Study Area population; the town's historically low growth rate; the settlement pattern within the Study Area; and the extent of surrounding RLZ land.

Reliance on data from much bigger areas for town assessments provides insufficiently reliable conclusions, and in Kyneton's case, runs the risk of over-estimating growth and the need for land.

⁴⁷ Council's response to C99 submissions

⁴⁸ *Towns In Time: enumerated population (includes visitors on census night.*

The added dimension is the additional population growth in and next to the Kyneton Study Area now proposed in C110, and whether this constitutes a bit of 'double dipping'.

There will be (are) some who look at the 8,600 population forecast for 2036 and see it as too little. Our request is that this Panel look at that number and consider whether it is legitimate, and whether the extent and timing for 'growth areas' and medium density/multi-dwelling development in C99 is justified.

4.6 The Need For A Shire-Wide Perspective of Growth and Residential Land Supply

State policy at Clause 11.02-1, *Supply of urban land*, says:

"Residential land supply will be considered on a municipal basis rather than a town-by-town basis."

In Structure Plans for Kyneton, Woodend and Riddells Creek, Council instead aims to maintain a 15 year residential land supply in each of these towns.

On a Shire-wide basis, this is additional to:

- a) Existing long-term land supply in Gisborne and Romsey, which operate under ODPs approved in 2012;
- b) Sufficient existing zoned land in the Shire for 2036 growth in all towns except Riddells Creek ⁴⁹;
- c) Residential land supply at Malmsbury and Lancefield surplus to 2036 needs, and additional growth opportunities identified at Tylden;
- d) Existing potential for 700 lots (discounted to 574 lots) ⁵⁰ in existing Rural Living zones; and
- e) On-going approval of dwellings in the 'rural balance', despite the Settlement Strategy's 'no growth' scenario (3 more approved 25 February, 2016).

In addition, Amendment C110 (rural living review), ⁵¹ affects some 12,000 hectares and proposes:

- f) To reduce RLZ minimum subdivision from 40ha and 8ha, to 4ha, 2ha and 1ha at Gisborne/Riddells Creek, Romsey and Kyneton (almost 3,500 hectares affected);
- g) To reduce the land size trigger for a dwelling permit in RLZ1 from 40ha to 10ha;
- h) To rezone 200ha of Farming Zone to 2ha Rural Living at Kyneton.

In addition, Council's *"In The Rural Living Zone"* report, which underpins C110:

- i) Wants existing Section 173 agreements removed from past primary lots to allow additional subdivision;
- j) Wants a perpetual 30 year supply of rural living zoned land (additional to town land supply);

In addition:

- k) Amendment C100 at Riddells Creek proposes some 250ha of Urban Growth Zone (when 57ha is needed);
- l) Amendment C98 at Woodend proposes some 480ha as "Investigation Areas" for future residential growth.

Figure 18 and **Table 4** provide insight into the amount of growth inherent in C99 and other amendments currently on foot affecting Kyneton.

⁴⁹ Macedon Ranges Settlement Strategy

⁵⁰ In The Rural Living Zone, Macedon Ranges Shire Council, September, 2015 (Amendment C110)

⁵¹ Amendment C110 implements the "In The Rural Living Zone" report, Macedon Ranges Shire Council, September 2015

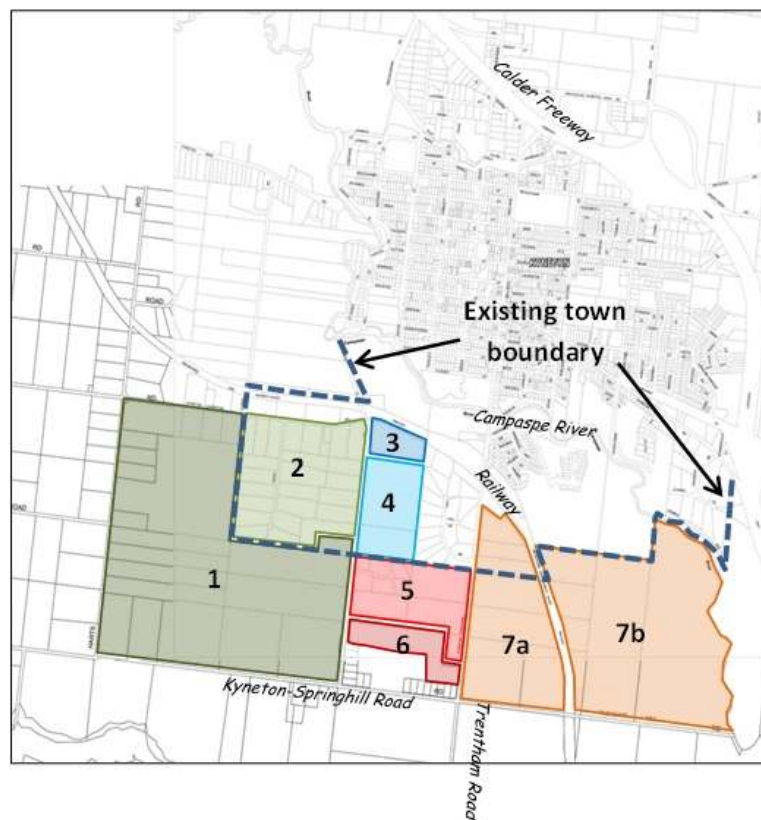


Table 4 Growth Proposed In Kyneton (additional to township infill)

Kyneton Proposed New Development Areas		
1	Amendment C110	200ha rezone Farming (40ha) to RLZ2 (2ha)
2	Amendment C110	65ha rezone RLZ5 (8ha) to RLZ2 (2ha)
3	Farming Zone (40ha)	8ha
4	Low Density Residential zone	24ha vacant
5	Farming Zone (40ha)	34.5ha "potential future low density residential area" - KSP
6	Amendment C102	13ha rezone Farming (40ha) to LDRZ (0.35ha average). 33 lots.
7	Amendment C99	7a = C99 "investigate for long-term growth" 62ha
	Future residential growth areas	7b = C99 "medium term growth area" 119ha

Overall, the total area proposed for new development (Areas 1, 2, 5, 6, 7) is almost 495ha (4.95 km²), which is almost 69% of the area counted as the Kyneton Urban Centre in the 2011 census.

The Association submits the aims for residential land supply – at Kyneton, and in the Shire:

- a) Represent accelerated growth and go beyond any planned growth in the Settlement Strategy;
- b) Exceed State policy requirements, and risk creating an over-supply of land for residential purposes;
- c) Are not compatible with high environmental significance, and pending legislative protection;
- d) Put towns under duress, and create pressure for additional unplanned growth and development.
- e) Suffer from want of strategic justification, and appropriate process.

The Association further submits it is important that the three towns affected by current Structure Plan amendments not be addressed in isolation of each other, or of the 'big' (Shire-wide) picture, in terms of assessing residential land supply and growth. It may assist the Panel to request information about total Shire-wide residential, rural living and future growth land supply that is anticipated to result from Structure Plan amendments, and Amendments C110 and C102, and how this relates to State policy, the Macedon Ranges Settlement Strategy, and the government's intentions to legislate to protect Macedon Ranges.

5 KYNETON STRUCTURE PLAN

5.1 Overview

(Introduction, MRRA Exhibition Submission #43)

Although the draft Kyneton Town Structure Plan, Neighbourhood Character Study and Development Contributions Plan exhibited in 2012 were reported as well received by the community, when adopting the Structure Plan, Council resolved to move the Structure Plan and Development Contributions Plan to an amendment, but not the exhibited Neighbourhood Character Study (which would instead be used to prepare planning controls).⁵²

The over-riding concern in the Association's exhibition submission was that C99 represents a substantial departure in terms of content, components and direction from the adopted Structure Plan, and changes have occurred without notice or consultation until exhibition of the amendment. Concerns included:

- a) Failure to implement Structure Plan recommendations for planning controls (e.g. DPO at the northern Large Lot area, SLO over the Campaspe River environs).
- b) Policy weakening, change, and loss in C99's translation of Structure Plan recommendations and directions.
- c) Accelerated and expanded growth opportunities over those anticipated and endorsed in the Structure Plan.
- d) Substitution of Council-prepared Neighbourhood Character Profiles for the Structure Plan's Neighbourhood Character Study. Even though Council had two years, no community consultation about these new Profiles occurred until exhibition of C99, by which time the Profiles *were* the amendment.

Overall, the Association considers there is little of the Structure Plan's content or, importantly, its intent, in C99. Although the amendment purports to implement the Structure Plan, C99 doesn't even include the Structure Plan it is supposed to be implementing in the scheme as a reference document.

If the Kyneton Structure Plan isn't the strategic basis and justification for Amendment C99, we ask – what is?

5.2 Neighbourhood Character Precincts

(Point 1, 1a to 1e MRRA Exhibition Submission #43)

Council has in the main responded to issues raised by MRRA by referencing Key Issues E and F (Implementation and Designation of neighbourhood character precincts, respectively), neither of which are considered a satisfactory response.

The Structure Plan's recommendation at 5.5 Implementation, Neighbourhood Character is:

⁵² Macedon Ranges Shire Council agenda and minutes, 26 June 2013

*“The findings and recommendations of the **Neighbourhood Character Study**⁵³ should be implemented through additional policy within the LPPF and other planning controls as appropriate. Each Character Precinct will be included with policy pertaining to Character overview, Built form and landscape, Key characteristics and Design guidelines.”*

While acknowledging follow-up work may have been considered necessary to prepare the amendment, from a community and process perspective, the scale and nature of changes in C99 should have triggered fresh consultation and exhibition.

The Association submits that C99 not only introduced an unknown document as the basis for precincts and character protection, it changes the Structure Plan’s character precincts and policy which in turn results in C99 development standards and policy that are not compatible with the concept of “character protection.”

Indeed there is a sense that C99 is not committed to recognising or protecting character. From pre- and post-exhibition changes, it appears character, precincts and planning controls are readily interchangeable. Policy – itself already over-standardised and repetitious – can apparently be rewritten to favour development rather than development being required to meet policy requirements.

Maps are included at **Attachment 2** that show the sequence of changes C99 makes to neighbourhood character precincts.

1) **MAP 1: Structure Plan Neighbourhood Character Precincts**

- a) The Structure Plan’s Inner Township character precinct is a dominant presence, applied to the oldest and most visible parts of the town, both residential and commercial, and along important gateways.
- b) Areas where greenfields development is anticipated are clearly identified within a “Greenfields” precinct.

2) **MAP 2: C99 Character Precincts**

At 1, the **Large Lot** precinct is removed from land in the Latrobe Street area and replaced with the Village West precinct.

At 2, the **Village West** precinct applied by the Structure Plan is removed from residential land affected by Amendment C105, leaving it without a character precinct, and zoned GRZ1.

At 3, the **Inner Township precinct** is deleted. Residential areas previously included are dispersed into Village East and Village West precincts. The commercial area is no longer within a character precinct, and operates as it does today.

Justification for deleting the Inner Township precinct is that it is too confusing to apply a character precinct to both commercial and residential development; heritage controls provide sufficient protection; and commercial zoned land cannot be managed using the new residential zones.

As a result, the town centre’s character – a primary focus of the Structure Plan - is not provided with its own character protection in the planning scheme.

⁵³ Although adopted by Council as part of the “Structure Plan”, this document is not included in exhibited documents.

At 4, the **Inner Township** precinct is removed from land proposed for Commercial 1 rezoning in C99, leaving the land without a precinct, or any other planning scheme controls for character protection.

At 5, residential areas previously included in the **Inner Township** precinct are transferred to the Village West precinct.

At 6, residential areas previously included in the **Inner Township** precinct are transferred to the Village East precinct, including residential properties along High St.

At 7, the **Village East** precinct is applied to land at the former swimming pool site, and presumably GRZ5, when it is the subject of Amendment C103 seeking GRZ1 rezoning.

At 8, the Structure Plan's Greenfields precinct is renamed **Modern Residential**. Areas previously included are changed to other precincts.

At 9, one large and two small sites previously within the Greenfields precinct are transferred to **Village East** precinct.

At 10, a former Greenfields area (at Sanctuary Drive) is changed to **Large Lot** precinct (NRZ1).

At 11, the **Village East** precinct is applied over the High Street road reserve. It is not clear why.

At 12, a former Greenfields precinct is changed to **Post World War 2**.

Additionally,

- GRZ5 is applied to both Village East and Village West precincts, despite clear differences in character between the two areas.
- The Modern Residential and Post World War 2 precincts both share the same GRZ6 zone.
- The Modern Residential precinct is assigned two zones – GRZ1, and GRZ6.

MAP 3 C99 Post Exhibition Changes

Post exhibition, some precincts - already changed from the Structure Plan's precincts - are changed again.

- a) At 13A, part of an area next to Trentham Road exhibited as Modern Residential precinct (GRZ6) is changed post-exhibition to Post World War 2 precinct (GRZ6)

Area 13B is rezoned post-exhibition from GRZ1 to GRZ6, and remains in the Modern Residential precinct.

- b) At 14, a new Large Lot NRZ 8 schedule is introduced, with reduced minimum lot size (1,200m2).

- c) At 15, a former Structure Plan Greenfields precinct area, exhibited as Post World War 2 precinct, is again changed post-exhibition to Modern Residential precinct, and 2 other areas exhibited as Post World War 2 are also changed to Modern Residential precinct.
- d) At 16, the area exhibited as GRZ5 Village West, is proposed post-exhibition to be retained as an industrial zone.

The Association submits that there seems to be a lack of awareness that these constant changes and 'swaps' of character undermine the core purpose of the amendment. How can it protect character when it apparently can't make up its mind what that character is? Each change widens the inconsistency between C99 and the Structure Plan's strategic approach to character protection.

Of high concern is C99's deletion of the Inner Township precinct, leaving this important area 'naked' in character terms, as alternative planning protection is not proposed. **We further submit** that relying upon the heritage overlay to protect character, as is proposed, overlooks the point made in Practice Note 43 *Understanding Neighbourhood Character*, that there is a difference between protecting heritage (i.e. with an overlay) and protecting the cultural heritage of historical elements that contribute to the "fabric and setting" of an area i.e. its *character*.

5.2.1 MRRA request to Panel:

- A. The Inner Township character precinct be reinstated, and strong consideration also be given to recommending a Design and Development Overlay be applied to the town centre precinct, as in other towns.
- B. Changes to character precincts be reviewed and justified.

6 RESIDENTIAL ZONES

6.1 General Residential Zone

(Points 3 and 5, MRRA Exhibition Submission)

Council Response to MRRA (Submission 43, Response #5c): See Key Issue E (NC precincts)

The Structure Plan identified 5 urban residential precincts (excluding the Large Lot precinct). C99 reduces these to 4, which are in turn provided with only two new zone schedules, or are left with the GRZ1 zone, which represents no change or improvement from today.

Despite their differences, the Village West and Village East precincts are assigned a single zone schedule and the same ResCode standards. This 'sameness' also extends to Clause 21.13-2 preferred future character, and strategies.

The brash Modern Residential precinct and the more sedate Post World War 2 precinct are assigned the same ResCode development standards in GRZ6, and Modern Residential keeps GRZ1 as well.

Distinctions between character types are further blurred by:

- Reassignment of Inner Township areas to precincts the Structure Plan didn't think they belonged in;
- New Neighbourhood Character Profiles;

- Precincts changed before exhibition; and
- Precincts changed post-exhibition, and 'established' and 'new' character distinctions introduced to the Modern Residential precinct, additional to the two zones already applied to it.

Inconsistencies also exist between the Profiles, Clause 21.13-2 and ResCode variations, particularly the Modern Residential precinct.

The Association has produced tables (**Attachment 3**) comparing the Structure Plan's draft Neighbourhood Character Study objectives, the C99 Neighbourhood Character Profiles, and C99 zone schedules and Preferred Future Character.

Attachment 3A addresses the Village West and Village East character precincts (both proposed GRZ5)

Attachment 3B addresses the Post WW2 and Modern Residential precincts (both proposed GRZ6, and additionally GRZ1 in the Modern Residential precinct)

Attachment 3C addresses the Large Lot precinct: NRZ1 and NRZ8.

At 3A and 3B, examples are provided of character differences between the precincts.

Without going into too much detail, we wish to put some concerns about C99's approach to neighbourhood character before the panel.

Attachment 3A: Village West and Village East

At #3: Differences between precincts: *human scale v building scale*.

At #7: Differences between precincts: *existing heritage qualities v existing materials*.

At #11 & #12: Differences between precincts: *celebrate and promote v improve and improve*.

At #16: Structure Plan requirement not carried forward to C99: parking behind front dwellings.

At #21: Existing site coverage mostly 20 – 30% v 60% proposed in C99.

Attachment 3B: Post WW2 and Modern Residential

At #27: Modern Residential - *'infill'* added to Clause 21.13-2 preferred future character post-exhibition

At #28: Post WW2 – *infill development will read from the street...* – not included at Objective 9.

At #28 & #29: Modern Residential - introduction of *"newer"* and *"established"* areas post-exhibition.

At #40: Post WW2 and Modern Residential – *boundary to boundary development will be avoided...*

At #41: Modern Residential – *site coverage will be low enough to enable generous private open space...*

At #42: Modern Residential - *Crossovers and the visual impact of garages and hard surfaces will be reduced...*

At #43: Modern Residential – The Profiles are changed post-exhibition to allow *garages to be prominent*

At #46: Front setbacks – Modern Residential - GRZ1 remains default, including 4m where both sides are vacant .

At #46: Both precincts – existing site coverage is *'mostly 20-30%'* (Post WW2) and 30% to 50% in Modern Residential areas. Post-exhibition change increases site coverage to 50% for both precincts. Modern Residential GRZ1 remains at 60%. See point 41 above: *site coverage will be low enough...*

Macedon Ranges: an ENDANGERED environment

At #49: Both precincts – canopy trees can only be specified for medium density. No additional landscaping specified for GRZ1.

At #50: Modern Residential – The Profiles are changed post-exhibition to delete reference to larger side setbacks, leaving only '*commonly boundary to boundary*'.

At #51: Both precincts – no variation to walls on boundary. See #40 above: *boundary to boundary development will be avoided*...

At #53: No variation for fences. Clause 21.13-2 (Modern Residential) says 'avoid' fences in established areas.

At #54: Modern Residential – GRZ1 maintains default 9m height.

Attachment 3C – Large Lot

At #56, #62, #66 & #70 & #73: Structure Plan Neighbourhood Character Study's requirement for redevelopment to be considered as part of a precinct-wide initiative is not carried forward into C99.

At #57: Existing lot sizes in Profiles are changed post-exhibition: 4,000 – 5,000 m² is changed to 2,000 and 1,200

At #59, #60, #61 – permits for dwellings, fences, and number of dwellings on a lot – none specified.

At #62, Front setback only varied for buildings on both sides. Vacant both sides remains default 4m.

The Association submits that the order, logic and relevance of the Structure Plan's conclusions and recommendations for character are lost in C99.

There are too few GRZ zone schedules, a lack of additional controls to fully implement character protection, overly standardized policy, conflicts between character descriptions, objectives and planning controls, and GRZ1 is part of the problem, not the solution, for Kyneton.

We further submit that C99 is not capable of protecting the town's character, not least because it is now almost impossible to understand what character it is describing and attempting to address.

6.1.1 MRRA request to Panel:

- A. It is not clear how this can be remedied without starting over. We ask that the panel consider this option.
- B. If the amendment progresses, require:
 - a) reassessment of character precincts;
 - b) additional zone schedules to provide separate schedules for each precinct;
 - c) additional planning controls (such as DDOs);
 - d) Clause 21.13-2 objectives for character protection be rewritten to address each area's individual character rather than character standardization across precincts;
 - e) reassessment of zone variations for relevance to the character being addressed;
 - f) introduction of a new, varied zone schedule to replace GRZ1,
 - g) exhibition and community consultation on the proposed outcomes.

7 ZONE SCHEDULES

7.1 Variation Of ResCode Standards In Zone Schedules

The Association broadly supports variation of ResCode standards in principle, but considers there are short-comings and anomalies in what C99 proposes.

7.2 Variation Of Frontage Setbacks

Only three variations are made to ResCode default frontage setbacks.

Table 5 shows:

- A. ResCode defaults remain unchanged.
- B. NRZ1 and NRZ8 – 15m where there are dwellings on both sides (the Neighbourhood Character Profiles note average setback in the NRZ1 area is 20m). ResCode defaults, including 4m where both sides are vacant and corner lots, remain. Defaults in other frontage scenarios provide for only a 9m maximum setback.
- C. GRZ5 and GRZ6 – where both sides are vacant: 6m. Corner lots continue to default to 4m.
- D. All corner lots continue to default to 4m setbacks other than RDZ1.

C99 makes no variations to GRZ1 (i.e. vacant either side, and corner lots, can be 4m).

Table 5 C99 Treatment of Front Setbacks

Precinct/Zone	C99 dwellings both sides	C99 dwelling one side, vacant other	C99 vacant both sides	C99 Corner
Village West GRZ5 Village East GRZ5	(A) A3/B6 default 9m or avge of the 2 adjoining properties (lesser of)	(A) A3/B6 9m or avge of the 2 adjoining properties (lesser of)	Varied (C) 6m (A3/B6: 6m RDZ1 4m other road)	(D) A3/B6 default 9m or same as front wall of building facing front street (lesser of) Vacant: 6m RDZ1 4m other road
Post WW2 GRZ6 Modern Residential GRZ6	(A) A3/B6 9m or avge of the 2 adjoining properties (lesser of)	(A) A3/B6 9m or avge of the 2 adjoining properties (lesser of)	Varied (C) 6m (A3/B6: 6m RDZ1 4m other road)	(D) A3/B6 default 9m or same as front wall of building facing front street (lesser of) Vacant: 6m RDZ1 4m other road
Modern Residential GRZ1	(A) A3/B6 Default 9m or avge of the 2 adjoining properties (lesser of)	(A) A3/B6 Default 9m or avge of the 2 adjoining properties (lesser of)	(A) A3/B6 Default 6m RDZ1 4m other road	(D) A3/B6 default 9m or same as front wall of building facing front street (lesser of) Vacant: 6m RDZ1 4m other road
Large Lot NRZ1 NRZ8 (post-exhibition) <i>C99 Neighbourhood Character Profiles: 10-30m, average 20m</i>	Varied (B) 15m or avge of the 2 adjoining properties (lesser of) (A3/B6: 9m or avge	(A) A3/B6 Default 9m or avge of the 2 adjoining properties (lesser of)	(A) A3/B6 Default (6m RDZ1 4m other road)	(D) A3/B6 default 9m or same as front wall of building facing front street (lesser of) Vacant: 6m RDZ1 4m other road

7.2.1 MRRA request to Panel:

- C. Frontage setbacks for corner lots be specified at 6m for all GRZ schedules.
- D. The GRZ1 schedule be amended to remove all opportunities for 4m setbacks.
- E. The minimum setback for the Large Lot precinct be revised to 20m, and applied to all setback scenarios.

7.3 **NRZ Neighbourhood Residential Zone**

The Association strongly supports strategic application of the Neighbourhood Residential Zone, and believes the visual exposure and landscape sensitivities, constraints, low-scale built form and rural character of Kyneton justify this action. We submit that its application to the Large Lot precinct is a strategic response to State policy at Clause 11.05-2, Melbourne's Hinterland areas.

Concerns with C99's application of the zone include:

- 1) Post-exhibition introduction of an additional zone schedule NRZ8, with subdivision size reduced from NRZ1's 2,000m² to 1,200m², apparently in response to a future development proposal.
- 2) The NRZ8 schedule currently provides for 1,200m² subdivision, and the zone default allows 2 dwellings on a lot. There is potential for 1 dwelling per 600m² density, which would not represent "large lot" development.
- 3) Default 3m dimension for private open space in both NRZ1 and NRZ8.
- 4) Application requirements and decision guidelines not included in the zone schedule.
- 5) Introduction of a maximum height is supported but C99 fails to specify maximum heights (and maximum dwelling numbers) in the zone schedule, instead relying upon zone defaults which could be changed at State level.

7.3.1 MRRA request to Panel:

- A. Application of NRZ in Kyneton be supported.
- B. Require maximum heights (and maximum dwellings on a lot) to be specified in NRZ zone schedules.
- C. Require variation of the NRZ8 schedule to set maximum dwellings at 1, and require a permit for single dwelling construction and extension.

7.4 **Fencing and Canopy Trees**

Both the Structure Plan's draft Neighbourhood Character Study and the Profiles identify either no or low fences as hallmark characteristics of the town. Zone schedules can only be varied to require canopy trees for multi-dwelling development.

As with all of the current Structure Plan amendments, C99 relies upon MSS (21.13-2) Neighbourhood Character precinct strategies to manage fencing, even though these only come into play if a planning permit is required for single dwelling development.

Clause 21.13-2 includes investigation of a DDO to address fencing "*in relevant precincts, as appropriate*" as Further Strategic Work, but no work is proposed to address canopy trees in single dwelling development.

The Association submits that failing to resolve these issues with effective controls in C99 is another deficiency of the amendment. Relying upon future work runs the risk of the work not being done at all, and in the case of canopy

trees, isn't intended. A single DDO schedule could address both issues, provide flexible implementation, and has been used for these purposes in other municipalities.

7.4.1 MRRA request to Panel:

- A. That a Design and Development Overlay schedule implementing controls for fencing and addressing requirements for canopy tree provision with single dwelling development be included in C99.

7.5 Lack of Application Requirements and Decision Guidelines

Despite introduction of new policy, C99 does not introduce any new application requirements or decision guidelines in zone schedules or Clause 21.13-2. The same occurred at Riddells Creek, and at Woodend where Council considered zone header clauses are sufficient, and it appears this is also the case at Kyneton.

The Association submits that application requirements and decision guidelines in zone header clauses are applied State-wide, and are not Kyneton-specific. In terms of application requirements and decision guidelines, C99 does not represent an improvement over today.

7.5.1 MRRA request to Panel:

- A. Add application requirements and decision guidelines that respond to new requirements in either zone schedules (Practice Note 4 preference), or Clause 21.13-2.

7.6 Permit Requirement For Dwellings on Lots Between 300 and 500 square metres

(Point 6 MRRA Exhibition Submission)

Council Response to MRRA (Submission 43, Response #5f): See Key Issue E (NC precincts)

C99 does not trigger a permit requirement for single dwellings and extensions on lots in this size range in the GRZ1, GRZ5 or GRZ6 zones.

The Association submits as there is no minimum lot size in the GRZ1, GRZ5 or GRZ6 zones, single dwelling development and extensions on lots in this range can occur across almost all of the town, with associated risks of character loss, including in areas identified as having higher sensitivity, such as along the Campaspe River, and in gateway or heritage areas.

7.6.1 MRRA request to Panel:

- A. Include a schedule variation requiring a planning permit for construction and extension of a single dwelling on lots between 300 and 500m² in the GRZ1, GRZ5 and GRZ6 zone schedules.

8 MEDIUM DENSITY DEVELOPMENT

(Point 4 MRRA Exhibition Submission)

Concerns were that C99 omits the Structure Plan's recommendation for more intense development to be within 500 metres of the town centre. That is:

"Encourage housing diversity opportunities respectful of heritage values and existing neighbourhood character with 500 m of the Town Centre and at strategic sites." ⁵⁴

The C99 Explanatory Report claims Clause 21.13-2 responds to this by proposing multi-dwelling development in General Residential zoned land, *"most of which is within 500 metres of the town centre"*.

Council's response to MRRA's submission was to refer us to Key Issue E (Neighbourhood Character Precincts).

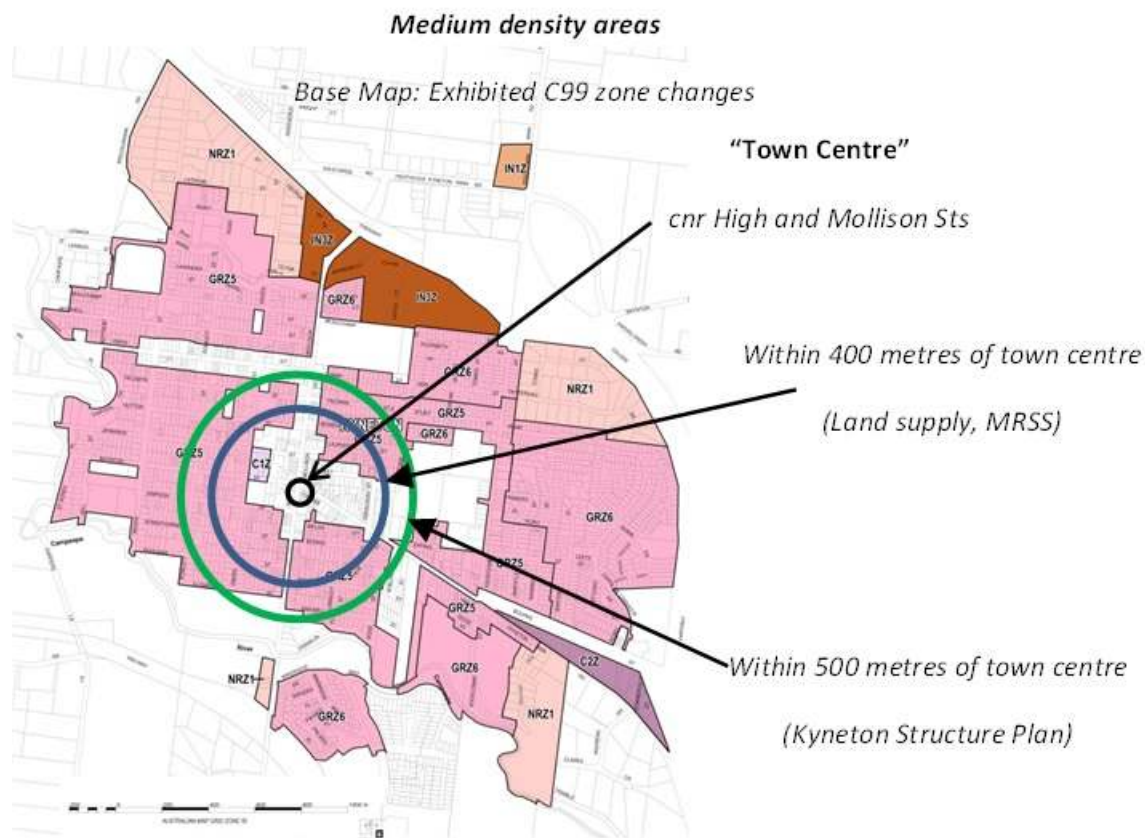


Figure 19 : Extent of "within 400m and 500m of the town centre"

Figure 19 shows the extent of 'within 400' and 'within 500' metres of the town centre ⁵⁵, as supported by the Structure Plan. The pink areas are C99 GRZ5 and GRZ6 areas. Not shown is the additional Modern Residential existing GRZ1 precinct south of the river. Figure 19 also shows most GRZ is NOT within 500 metres of the town centre.

C99 deletes the current scheme's requirements for medium density development at Clause 21.13-2 Objective 3.

Existing Clause 21.13-2 Objective 3

"To consolidate Kyneton's existing residential areas in a manner that enhances landscape character."

Existing Strategy 3.2

*"Facilitate the intensification of residential development, including appropriately designed medium density housing, and commercial development in and around (**within 400 metres**) the town centre that maintains and reflects the heritage characteristics of the areas." [emphasis added]*

⁵⁴ Structure Plan, Page 11, Section 4.5, Direction 2

⁵⁵ 'Town centre' point as used by the Settlement Strategy to measure a 'doubling of density' for land supply (See Figure 8, 4.2 of this presentation).

and replaces it with:

C99 Clause 21.13-2, Objective 3

“To increase the range of housing options available to cater for the longer term needs of all members of the Kyneton community.”

C99 Strategy 3.1

“Support multi-dwelling development where this can be achieved without compromising heritage values, neighbourhood character or residential amenity, particularly in the Township Residential East, Township Residential West and Modern Residential precincts which are close to the town centre and Kyneton station.”

We ask the Panel to note:

- a) All C99 GRZ-based neighbourhood character precinct Objectives at Clause 21.13-2 “*support multi-dwelling development*”.
- b) Under proposed C99 Strategy 3.1, ‘multi-dwelling development’ can be supported in GRZ zones across the town, including locations remote from the railway and/or town centre.
- c) As the railway station is some 1.2km from the town centre, it’s not easy being close to *both*.

The Association submits there is no justification in the Structure Plan for the direction taken by C99.

8.1.1 MRRA request to Panel:

- A. Reinstate **existing** Clause 21.13-2, Objective 3 and Strategy 3.2.
- B. Require areas within 500m of the town centre (corner of High and Mollison Streets), where medium density (or a doubling of density) will be encouraged, to be identified on the Strategic Framework Map.
- C. Require infill, multi-dwelling and medium density development to be defined in Clause 21.13-2.

9 INDUSTRIAL ZONES

1) Latrobe Street IN1 to GRZ5

Concerns with C99 changes are:

- The strategic basis for rezoning this IN1 area, and for the proposed GRZ5.
- C99’s replacement of the Structure Plan’s “Large Lot” character precinct with the “Village West” character precinct.

Following the C99 Directions hearing, the Association asked Council to provide the strategic basis for the IN1 rezoning. Council’s response was: Amendment C8 (Residential and Industrial Land Review (2000))

Amendment C8 – Residential and Industrial Land Review

The Residential and Industrial Land Review commenced in 1999 and was adopted by Council in July, 2000.

Amendment C8, which implemented the Review, lapsed. In 2003 at Council's request, the then Minister for Planning appointed an Advisory Committee to consider whether all or any part of C8 should progress (whether it had sufficient strategic justification to proceed).

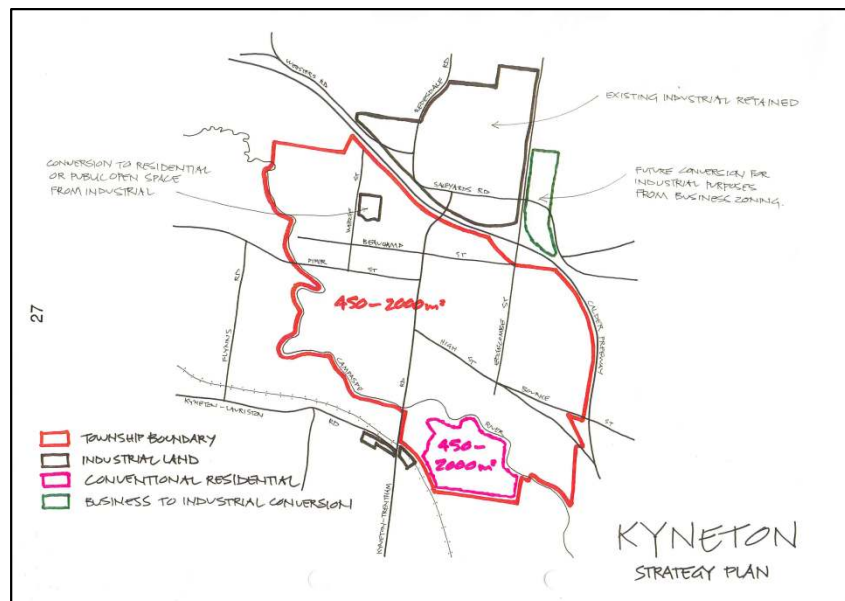


Figure 20 The Kyneton Strategy Plan proposed in the Residential and Industrial Land Review, 2000

Of the Latrobe St industrial area⁵⁶ the Committee supported the rezoning in principle but Council's position on the proposed rezoning had changed and it wished to retain the Industrial 1 zone and prepare additional controls in the MSS.

Of the Residential and Industrial Review, and Amendment C8, the Committee said:

There was 'Lack of adequate strategic justification for the amendment, often not an improvement over the current planning scheme, structural and technical problems that reflect the age of the amendment.'⁵⁷

*"The Review did not involve significant levels of primary research for matters such as land capability, neighbourhood character or detailed landscape assessment. Instead it seems to have relied on the broad town structures in existence at the time to which it proposed a raft of additions and modifications. In the Committee's view, the evaluation of potential options and other substantive justification is generally deficient."*⁵⁸

The Committee did not find any individual elements of C8 that should be included in the planning scheme; found the amendment did not adequately respond to the Strategic Assessment Guidelines, or ResCode; and some planning tools used are inappropriate;⁵⁹ and while an amendment was needed,

*"The Committee is not satisfied that the [Residential and Industrial Land] Review provides adequate strategic justification for Amendment C8..."*⁶⁰

⁵⁶ Page 51 Latrobe Street Industrial Area, Kyneton, Amendment C8 Advisory Committee Report, February 2004

⁵⁷ Page 56, Advisory Committee Conclusions and Findings (8.3), Amendment C8, Advisory Committee Report, February 2004

⁵⁸ Amendment C8 Report of Advisory Committee "Residential and Industrial Land Review", February 2004.

⁵⁹ Page 53 Terms of Reference, Amendment C8 Advisory Committee Report, February 2004

⁶⁰ Page 55 What is the strategic basis for the amendment or proposal?, Amendment C8 Advisory Committee Report, February 2004

*“The Committee does not believe that Amendment C8 adequately enunciates Council’s strategic directions for the Shire’s major towns or the proposed zoning and overlay changes. These compromise the planning scheme’s strategic direction, useability and transparency.”*⁶¹

*The Committee “cannot support this proposal because of the extent and significance of the problems that affect the amendment. It also believes that approval of the amendment would perpetuate poor planning practices.”*⁶²

Amendment C8 was subsequently abandoned.

The Association submits the basis for the Structure Plan’s recommendation needs to be established because neither Amendment C8 nor the Residential and Industrial Land Review 2000 offer strategic justification for rezoning the IN1 land to residential in C99.

A post-exhibition change⁶³ is proposed to

- abandon rezoning the IN1 zone to GRZ5 (Village West residential precinct) and
- rezone the IN1 zone to IN3.

The Association supports the post-exhibition proposal to rezone the land IN3.

2) Beauchamp Street IN1 to IN3 Rezoning

Post-exhibition⁶⁴ it is proposed to abandon the exhibited IN3 rezoning.

The Association submits that while there may be social and planning benefits to IN3 rezoning, there doesn’t seem to be a plan for doing this in an orderly, inclusive and equitable way. The Structure Plan⁶⁵ recommends

“Review the interface of the Industrial 1 zone precinct and rezoning of the area to Industrial 3...”

The scope to incrementally rezone the area or rezone the interfaces only doesn’t seem to have been explored before proposing to rezone the land.

9.1.1 MRRA request to Panel:

- A. Retain the IN1 zone at this stage, and include as Further Strategic Work: preparation of a masterplan for this area and adjoining residential areas.

3) Northern Industrial Area: IN2 To IN1

The Structure Plan⁶⁶ supports rezoning of this land. However, it also supports replacement rezoning of Industrial 1 zoned land north of the existing abattoir to IN2, noting further investigation may be required to determine suitability.

⁶¹ Page 56, What is the outcome of the amendment or proposal in terms of the planning scheme’s strategic directions, useability and transparency? Amendment C8 Advisory Committee report, February 2004

⁶² Page 48, Committee findings (6.17), Amendment C8 Advisory Committee Report, February 2004

⁶³ Minutes, Council meeting 16 December, 2015: Item PE3, Page 17

⁶⁴ Minutes, Council meeting 16 December, 2015: Item PE3, Page 17

⁶⁵ Page 9, 4.3 Economic Prosperity, Action 4

The Structure Plan notes ⁶⁷ that it is “important to retain and consolidate this zoning [IN2] in the industrial area...”.

Although C99 proposes IN2 to IN1 rezoning, it does not include reciprocal IN2 to IN1 rezoning for the land north of the abattoir, or include further investigation of it at Further Strategic Work.

The Association submits Industrial 2 zoned land is rare, and an important agricultural and economic asset. Rezoning this IN2 land to IN1, without concurrent rezoning of new IN2 elsewhere, runs the risk of simply losing IN2 zoned land.

Rezoning should be deferred until both rezonings can occur at the same time. There does not seem to be any imperative for C99 to rezone this land, particularly as Kyneton already has large areas of IN1 zoned land, and most Industrial 1 uses can be undertaken in the IN2 zone.

9.1.2 MRRA request to Panel:

- A. The IN2 rezoning not be supported at this time.
- B. Recommend investigation relating to the proposed replacement IN2 area be included in Further Strategic Work at Clause 21.13-2.

10 COMMERCIAL ZONES

1) Baynton St / Ebdon St / Jennings St: GRZ to C1Z

The Structure Plan ⁶⁸ found:

“There should be a sufficient supply of commercially zoned land in the town centre to cater for cyclical changes in retail activity and anticipated population growth. Expected demand can theoretically be absorbed within the existing vacant floor space and/or zoned land. However there are limited opportunities for larger scale development that might be commercially viable in the future, such as supermarkets or discount department stores.”

The Plan’s recommendation for the area proposed to be rezoned is: ⁶⁹

“Facilitate ongoing and consolidated small scale commercial uses within the Baynton, Ebdon and Jennings Street Precinct, re-using and adapting existing buildings and consistent with the neighbourhood character of the area.”

The Association submits C99 prematurely rezones this land for immediate conversion to commercial use and development without any new development or design controls, despite existing residential use, heritage values, traffic issues and the absence of any character precinct following C99’s deletion of the Inner Township character precinct from this land.

The Structure Plan’s recommendation (above) is included in C99 at Built Environment and Heritage:

“Conserve existing residential buildings within the Commercial 1 Zone on Baynton, Ebdon and Jennings Streets when considering commercial re-use of sites.”

⁶⁶ Page 13, 5.3.4 Zones

⁶⁷ Page 6, 3.5 Industry

⁶⁸ Page 3, Part B, 2.2 Retail and Commercial land supply

⁶⁹ Page 9, 4.3 Economic Activity, Action 6

10.1.1 MRRA request to Panel:

- A. The C1 rezoning proposed in C99 not be supported.
- B. Require Development Plan and Design and Development Overlays and a Development Plan to accompany any amendment to rezone the land .

11 OVERLAYS

11.1 Environmental Significance Overlay 7

As with the other towns where ESO7 is proposed, the Association strongly supports the overlay's application to protect essential infrastructure. The overlay's application is also compatible with the Loddon Mallee South Regional Growth Plan, which identifies water treatment plants and waste management facilities as state significant land uses (assets) present within Melbourne's peri-urban area.⁷⁰

11.1.1 MRRA request to Panel:

- A. That the overlay's application be supported.

11.2 DPO1 and 17 Development Plan Overlays

(Point 7 MRRA Exhibition Submission)

1) Amended Schedule, DPO1

The current DPO1 schedule sets strong requirements for development plans, and development. C99 sets strong requirements for development contributions, and shifts the overlay's focus from protection of significant features and orderly staging of development, to *"immediate residential development in Kyneton South"*.

C99 changes the DPO1 schedule, but not where the overlay applies. Consequently, the overlay is now equally applied to a GRZ1 Modern Residential character precinct; to the Large Lot precinct (NRZ1 changed to NRZ8 post-exhibition), and to GRZ6 areas changed from Modern Residential to Post WW2 post-exhibition – a confusing if not unworkable situation.

Council additionally approved a Development Plan for 341 lots before Christmas for the entire undeveloped GRZ1 area affected by DPO1.

Post-exhibition change is proposed to allow construction of one dwelling before a development plan is approved, which, **the Association submits**, defeats the purpose of applying the DPO in the first place.

⁷⁰ Table 2, page 10, Loddon Mallee South Regional Growth Plan

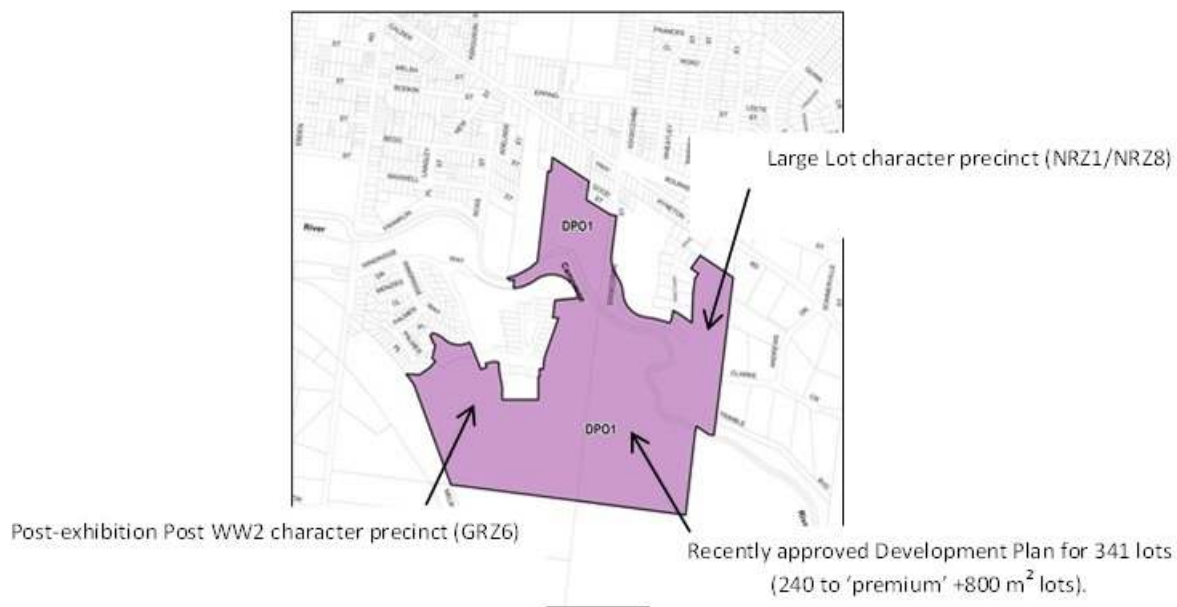


Figure 21 Existing DPO1 applied to a variety of zones and character precincts

2) Proposed DPO17

The Structure Plan recommends a Development Plan Overlay be applied to all of the Large Lot character precinct north of Post Office Creek. The Structure Plan's Neighbourhood Character Study⁷¹ said redevelopment of Large Lot precincts should be considered as part of a precinct-wide initiative.

C99 instead applied DPO17 only to the GRZ5 area at Latrobe Street (which was included in the Large Lot precinct in the Structure Plan).

Post-exhibition – where the industrial zone is proposed to be retained - DPO17 is applied to only some of the land proposed for GRZ5.

Council Response to MRRA (Submission 43, Response #5g)

“Applying NRZ with minimum lot size is considered sufficient control over development of the area in the Kyneton Large Lot Precinct north of Post Office Creek. The DPO is appropriate over the area being rezoned from IN1Z and the adjacent undeveloped land.”

⁷¹ Page 22, draft Neighbourhood Character Study, Kyneton Structure Plan

Amendment C39 previously applied DPO1 to this Large Lot precinct (and other areas) but C97 deleted the DPO in December 2014 (Figure 22). C99 declines to apply the recommended DPO, even though some increased development in this area is provided for in the NRZ1 minimum lot size.



Figure 22 DPO1 areas deleted by C97

11.2.1 MRRA request to Panel:

A. Recommendations be made that:

- a) An Incorporated Plan overlay be placed over the land proposed for GRZ5 (Village West) near Latrobe Street.
- b) An appropriate Development Plan overlay and/or Design and Development overlay be applied to the Large Lot precincts, requiring Council to prepare and approve a development plan in consultation with the community prior to any redevelopment.
- c) The exhibited DPO1 schedule be amended to prioritise sustainable development outcomes over development contributions
- d) Additional DPO schedules be applied to areas in different character precincts currently affected by DPO1.

B. The proposed post-exhibition change to DPO1 to allow dwelling development in advance of approval of a development plan not be supported.

11.3 Significant Landscape Overlay

(Point 8 MRRA Exhibition Submission)

The Explanatory Report claims the Structure Plan's recommendation for a Significant Landscape overlay to be applied to the south and west of the Campaspe River has been investigated and found unnecessary. Existing Land Subject to Inundation and Environmental Significance 4 overlays, and the Farming zone, are considered sufficient protection.

Council Response to MRRA (Submission 43, Response #5h): See Key Issue G

After the Directions hearing, the Association asked Council for a copy of the landscape assessment that is the basis for not applying the SLO, and was advised it would be circulated with Council's Part A submission, which doesn't appear to have happened.

The Association submits that unlike the LSIO, ESO and Farming zone, the Significant Landscape overlay is purpose-built to protect landscapes.

11.3.1 MRRA request to Panel:

- A. A Significant Landscape Overlay be applied as recommended by the Structure Plan as part of the C99 amendment.

12 STRATEGIC FRAMEWORK PLAN

(Point 14 a, b, c MRRA Exhibition Submission)

Concerns were with the extent of future and potential growth areas, and expansion of the town boundary; , the extent and quality of investigation for changes, and a conflict where the Map shows an area for potential future low density residential south of the railway line while the Explanatory Report identified it as a short-term growth option.

The Kyneton Strategic Framework Map suffers from the same standardisation and minimisation as Maps for Woodend and Riddells Creek. As in those towns, C99's Map appears disconnected from that in the Structure Plan, and provides no meaningful guidance or information about the town's future strategic direction – other than growth areas.

The Association submits the Map does not reflect the broader issues addressed in the Structure Plan, or meet the standards expected of this type of Map. It is sufficiently inadequate to be unable to fulfil its intended role.

12.1.1 MRRA request to Panel:

- A. Require the Map to be amended to accurately represent the Structure Plan's directions and issues, including those for the public realm.

13 TRANSLATION OF STRUCTURE PLAN

(Point 15 MRRA Exhibition Submission)

Council Response to MRRA (Submission 43, Response #5m): “See Key Issues F & G, as well as response to Submission 45 (Coliban Water) below”.

The Association’s submission included tables with examples of policy loss, weakening and change in C99’s translation the Structure Plan’s recommendations. These are not repeated here but the Association stands by them and asks that the Panel continue to have regard to them.

Concerns with C99 in the Association’s submission included:

- Structure Plan recommendations and instructions omitted or embellished with a bias towards growth and development, while omitting standards for development and requirements for character and environment protection.
- Changes that take Kyneton in a discernibly different direction.
- Significant failure to implement the Structure Plan.

Patterns include:

- Acceleration and exaggeration of actions for growth, expansion, economic development and development.
- Reduced emphasis on environment particularly in terms of inclusion, protection and priority.
- Changed “PPF” language softening policy, planning standards and requirements.
- Over-simplification, and standardisation.

We find further support for our concerns in post-exhibition changes:

- Clause 21.13-2 Objective 10 (Modern Residential Neighbourhood Character precinct) is almost completely rewritten, and none of the new strategies begin with “active” (PPF) language.
- Parts of the C99 Neighbourhood Character Profiles (the only document proposed to be a reference document at Clause 21.13-2) are rewritten post-exhibition to accommodate development, rather than setting development standards.

14 CONSEQUENTIAL CHANGES: C99

The Association objects to the following proposed changes to the Macedon Ranges planning scheme ‘as a consequence’ of Amendment C99:

21.09-1 Housing in towns: Specific Implementation

Identify preferred areas for medium density housing around town centres, in the development of structure plans for ~~Kyneton~~, Riddells Creek, Romsey and Woodend.

C99 fails to meet this requirement of the existing scheme, then deletes it.

Macedon Ranges: an ~~ENDANGERED~~ environment

Clause 21.10-1 Commercial and Industry: Specific implementation

Implement Township Structure Plans for ~~Gisborne, Woodend, Kyneton and Riddells Creek~~ that allow for limited expansion of their central business areas, and provide adequate land to meet future industrial land requirements.

The current scheme's requirement is to "implement" (not prepare) Structure Plans that allow for **limited** expansion of central business areas... There is also no justification for C99 to delete a requirement in the existing scheme for Woodend, Riddells Creek and particularly Gisborne.

Specific Implementation

Apply the Design and Development Overlay to residential areas in Woodend, ~~Romsey, Riddells Creek, Lancefield, Macedon and Mount Macedon~~ requiring applicants and the responsible authority to consider existing density patterns, extension of existing street patterns, staging and integration of new development, supply of reticulated water and sewerage, road access, fire prevention and vegetation and landscape protection.

There is no justification for C99 to delete Romsey or Riddells Creek from this statement. Both towns apply Design and Development overlays. Their deletion removes strategic support for those controls.

14.1.1 **MRRA request to Panel:**

A. The above proposed consequential changes not be supported.

15 POLICY CONTEXT

Council yesterday put forward numerous elements of State and local policy in support of the amendment, particularly growth and economic development in the town. We support those policies and do not repeat them here.

15.1 Loddon Mallee South Regional Growth Plan (2014) [RGP]

At Map 9, *Future settlement growth directions*, Maryborough, Castlemaine, Gisborne and Kyneton are shown as "Regional centres / towns" [i.e. key hinterland towns], objectives for which are "manage and support growth: growth consistent with structure plans, comprising infill and some targeted expansion." ⁷²

The Plan's findings for Kyneton are based on the Macedon Ranges Settlement Strategy and Kyneton Structure Plan: ⁷³

"There is a large supply of existing residentially zoned land available in Kyneton. Supply estimates indicate there may be potential capacity for approximately 8600 people to be accommodated on existing residentially zoned land, depending on the density of future development. Planning for settlement growth will need to consider the bushfire risk, bushfire planning provisions and potential flood hazards." ⁷⁴

Map 14 page 51 (**Figure 23**) shows future land use directions for Kyneton. "Identified growth areas (subject to detailed investigation and planning processes)" are shown in orange, and all are within the existing town boundary.

⁷² Map 9, page 41, Loddon Mallee South Regional Growth Plan

⁷³ Footnote, page 49, Loddon Mallee South Regional Growth Plan

⁷⁴ Page 49, Loddon Mallee South Regional Growth Plan

The Plan does not include additional future and potential growth areas to the south of Kyneton included in C99.⁷⁵

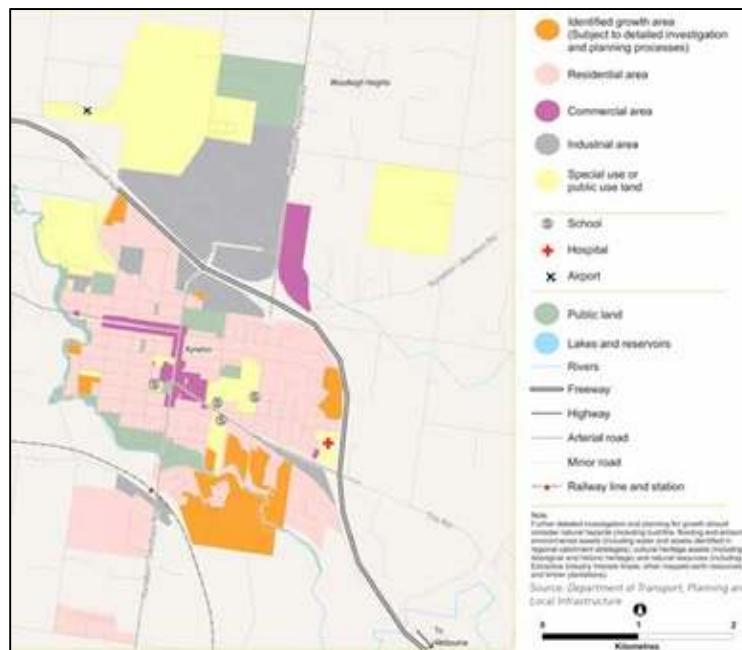


Figure 23 Loddon Mallee South RGP: Map 14, Kyneton future land use directions

The Plan identifies Kyneton as a peri-urban location,⁷⁶ which areas include a number of state significant land assets important to the functioning of Melbourne and Victoria as a whole.⁷⁷ Such assets of relevance to C99 include productive agriculture, water catchments, landscapes, waterways, heritage and tourism.⁷⁸ The Plan notes:

“If not managed, development pressures and sprawling growth can increase risks from bushfire... and flood, add to infrastructure costs and lead to a loss of important non-urban assets including productive farmland, water catchments, earth resources, biodiversity and natural ecosystems.”⁷⁹

Kyneton is identified as a “significant tourist area - includes some significant cultural heritage places and landscapes...”⁸⁰

The Plan recognises:

“Pressure for urban and rural residential development in areas of high amenity or natural value, such as the Macedon Ranges, presents a challenge for land use planning...”⁸¹

And has the following requirements:

“The region’s natural tourism assets, such as ... rivers, need to be protected from development impacts.”⁸²

Protect and enhance our natural and built environment⁸³

⁷⁵ Map 14, page 51 Loddon Mallee South Regional Growth Plan

⁷⁶ Page 9, Loddon Mallee South Regional Growth Plan

⁷⁷ Page 8 Loddon Mallee South Regional Growth Plan

⁷⁸ Table 2, page 10, Loddon Mallee South Regional Growth Plan

⁷⁹ Page 9 Loddon Mallee South Regional Growth Plan

⁸⁰ Strategic Assets: Map 5, page 15 Loddon Mallee South Regional Growth Plan

⁸¹ Page 32 12 Environment and heritage Loddon Mallee South Regional Growth Plan

⁸² Page 25 Loddon Mallee South Regional Growth Plan

⁸³ Principle 6, and associated Future Directions, page 19 Loddon Mallee South Regional Growth Plan

- *Protect and improve the condition of the region's important environmental assets such as the forests, wetlands and rivers.*
- *Protect identified visually important landscapes, and cultural and built heritage places.*
- *Minimise the impacts of land use change and development on areas with significant environmental assets.*

15.2 Plan Melbourne and Plan Melbourne Refresh

Plan Melbourne identifies Gisborne as a peri-urban growth town at Map 29. Kyneton is not so identified.

15.3 Legislative Protection Context & Statement of Planning Policy No. 8

The State government has committed to introducing legislation to protect Macedon Ranges, based on Statement of Planning Policy No. 8, to protect towns and rural land in Macedon Ranges Shire.

The Macedon Ranges Protection Advisory Committee has released an Issues Paper currently on exhibition which includes a question about the scope of protection, that is, whether it should apply to the whole Shire.

The Association supports legislation based on SPP8 being applied to the whole Shire to recognise significant resources (such as special water supply catchments and other environmental / ecological values) which have a nexus with those inside the current SPP8 policy area. This would include Kyneton.

16 CONCLUSIONS

The Association submits that the fundamental flaw with Amendment C99 is that in terms of policy, neighbourhood character protection, and direction, it is not implementing the Kyneton Town Structure Plan, but an unknown something else.

This is confirmed by the fact that C99 does not include the adopted Kyneton Town Structure Plan (or its Neighbourhood Character Study) as a Reference Document at Clause 21.13-2. What then provides strategic justification for C99?

We agree development and economic development policies are important, and particularly economic development in Kyneton, but these cannot be applied in isolation of requirements for development and economic development to be integrated with and tempered by policies for other important issues, including character protection and orderly planning.

The Structure Plan presented a cohesive strategic framework which balances policy priorities across a range of issues. C99 on the other hand leaves most of the Structure Plan's cohesion and balance behind and implements changes which shift and accelerate priorities and objectives to the point they can no longer claim a basis in the Structure Plan.

C99's lack of strategic underpinning - and clear direction - is evident in the amendment's execution of character elements, now so muddled as to be rendered rather meaningless, other than that priority is being given to development rather than character protection.

At Woodend, Council expressed a preference for greenfield development being able to set its own character, and considered 9m front setbacks an 'unproductive use of land'. There are strong overtones of that approach being used at Kyneton, and taken to new heights in the retention of GRZ1 for two major areas of greenfield development – south of the river, and the former pool site. At adoption of the development plan for the area south of the river last December, a Councillor announced this type of development - townhouse development on less than 300 square metres lots at least 1km from the railway station - was the way of the future for Kyneton. And in this regard, it seems the Modern Residential precinct is being set to deliver that outcome, regardless of impacts on character, and important broadscale landscapes.

We say this amendment, with its many failings, is not of a suitable standard to be moved forward.

16.1.1 MRRA request to Panel:

- A. In the first instance, that Amendment C99 in its current form be abandoned for lack of strategic justification and significant deficiencies in execution and process.
- B. In the second instance, that if not abandoned, the Panel take charge of the amendment and issue an Interim Report, requiring appropriate review and revisions, and re-exhibition of the amendment.

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