

Presentation to Panel

Amendment C100: Riddells Creek Town Structure Plan

Macedon Ranges Planning Scheme

Wednesday 23 March, 2016

Gisborne Shire Offices

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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 Submissions

The Association submitted to the Riddells Creek Issues Paper (August, 2012) and the exhibited Structure Plan (May, 2013), supporting the Structure Plan and particularly its Neighbourhood Character Study.

In its submission to exhibited Amendment C100 (No. 79), the Association considered the amendment's approach and content differed so significantly it could not be said to be implementing the Riddells Creek Structure Plan, and requested that Council:¹

- 1) Provide a comparison table detailing Structure Plan recommendations and their translation (how and where) into Amendment C100.

Council response #1: See Attachment C, Implementation Table

- 2) Address and resolve issues raised in MRRA's submission.

Council response #2: Addressed in Council responses to submission (table)

- 3) Re-instate the adopted Structure Plan's Neighbourhood Character Study.

Council response #3: See issue (i) below and Key Issue H (Riddells Creek Structure Plan not included as a reference document)

- 4) Re-draft Amendment C100 removing changes, content and actions not derived from the Structure Plan, include Structure Plan content and its recommendations, revise planning controls accordingly, and re-exhibit the revised amendment.

Council response #4: See Attachment C, Implementation Table

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

One post-exhibition change is proposed at Clause 21.13-5 in response to in the Association's submission (Point 13):

Key Issue E, Population data:

At the first sentence: *"The population of Riddells Creek and surrounds in 2011 was 3,753 persons. [2,976 of these resided in the township itself](#) (Australian Bureau of Statistics 2011 Census Quikstats, [SSC and UCL datasets](#))."*

¹ Point 29, MRRA exhibition submission

1.3 About This Presentation

The Association considers Council's overall response unsatisfactory, and fails to address issues raised. 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 RIDDELLS CREEK

The following is offered as background information which may assist the Panel in its deliberations on C100.

2.1 Beginnings

First settlement in Riddells Creek dates from 1841, when John Riddell and Thomas Hamilton bought land in the district. The township's foundations were laid in 1858-59 when hundreds of railway construction workers and their families moved in. 1860 saw the commencement of the railway, and telegraph. In 1931 the Riddells Creek district, then part of the Macedon Riding in the Gisborne Shire, transferred to Romsey Shire.

2.2 Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds 1975 [SPP8]

Approval of *Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds* [SPP8] by the then State government in 1975 applied State policy² to the Shires of Gisborne, Romsey, Newham and Woodend, and a small part of Kyneton. The policy introduced imperatives for protection of natural resources, landscapes, conservation and tourism/recreation values that are important to Victoria, and required the protection of those values, rural land and towns to be the primary concern (priority) in decisions.³ The Policy has been a dominant influence, and the basis for strategic planning, for 40 years.

In 2000, the new format Macedon Ranges planning scheme included Statement of Planning Policy No. 8 as local policy at Clause 22.01 *Macedon Ranges and Surrounds*. It also appears at Clauses 21.02 *Key Issues and Influences*, 21.10-2 *Tourism* (Implementation), and as a reference document at 21.04 *Settlement*, in the current scheme.

2.3 First Planning Controls

The former Shire of Romsey operated under an Interim Development Order [IDO] from 1968 (Figure 1).

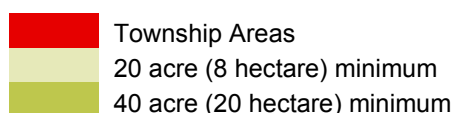


Figure 1 Original IDO planning controls at Riddells Creek⁴

² Then underpinned by legislation. The legislative basis for all Statements of Planning Policy was not transferred from the Town and Country Planning Act 1961 to the Planning and Environment Act 1987

³ Statement of Planning Policy No. 8, 1975: At 2, It Is Policy That... at 2.1

⁴ Town and Country Planning Board, October 1974: Map 16 Report of Studies for the Preparation of Statement of Planning Policy No. 8

Some 23 amendments were made to the IDO, which ultimately operated more as a planning scheme, until introduction of the Shire of Romsey's first planning scheme in 1988.⁵

At this time, Riddells Creek's urban centre population (1991 census) was 1,281 persons, with 398 total dwellings.⁶

This first scheme, like those for the Shires of Gisborne, and Newham and Woodend, contained Statement of Planning Policy No. 8 as over-arching policy, implemented through prescriptive zones subdivision sizes and planning controls that concurrently addressed multiple issues, and were tailored to the needs of towns and rural land in each Shire.

Following adoption of its scheme, the Shire of Romsey produced the following key strategic documents:

- "Riddells Creek Town Centre Structure Plan" (1991)⁷

Currently a reference document at Clause 21.13-5 (C84 panel recommendation), but C100 replaces it with Neighbourhood Character Profiles.

- *Rural Landscape Growth Strategy* (1992)⁸ Strategic objectives included:⁹

Preserve and enhance the rural landscape qualities and character of the Shire.

Ensure new development and subdivision satisfies stringent environmental, landscaping and servicing standards and controls.

Maintain an effective rural landscape buffer on the boundary of the Shire with Metropolitan area.

Promote Romsey as the main focus for population and employment growth (within the Shire).

and

The scale of [retail, commercial and industrial] development within the townships shall be commensurate with local needs and the intended role of:

*Riddells Creek as a local convenience shopping and service business centre.*¹⁰

Figure 2 shows zones applied in Riddells Creek by the Shire of Romsey planning scheme, as in place in at 2000.

⁵ The Victorian Government Gazette records the first amendment to the planning scheme in March, 1988.

⁶ ABS 2730.2 - Census Counts for Small Areas Victoria – 1991 Census of Population and Housing, 30 June 1981. Persons and Dwellings in Local Government areas and Urban Centres, Victoria

⁷ Urban Consulting Group

⁸ Both by Use Consultants

⁹ At 5.1, Overall pattern of development

¹⁰ At 5.3 Retail, Commercial and Industrial Development Objectives

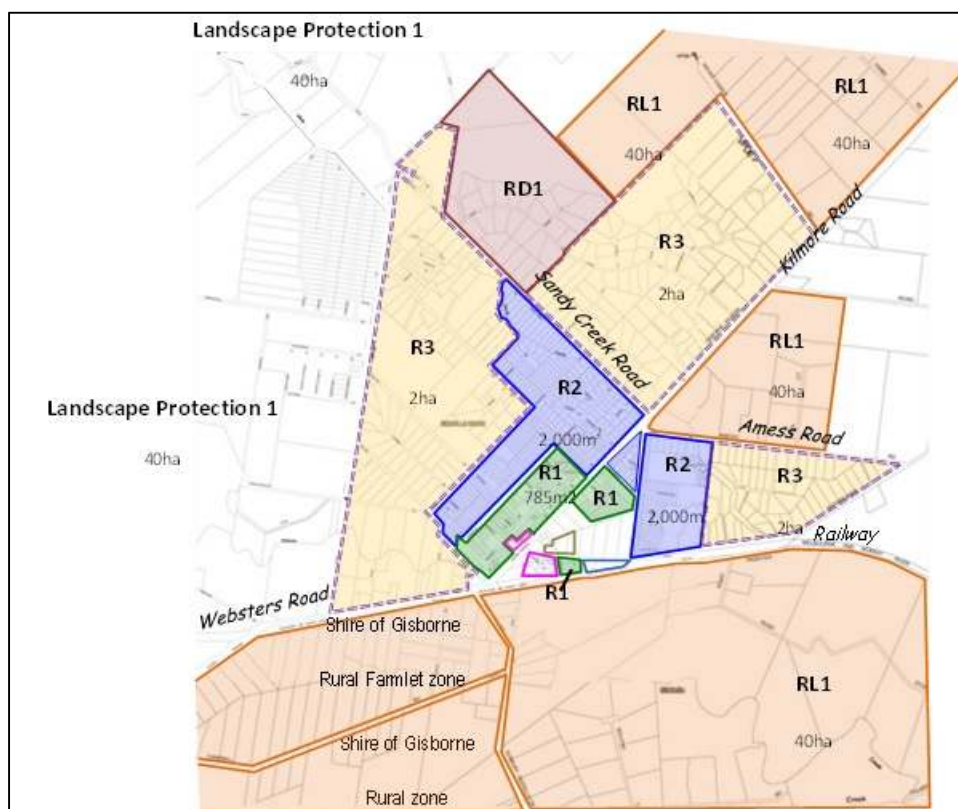










Figure 2 Zones applied to Riddells Creek – Shire of Romsey planning scheme, 2000

	R1 Township Residential A Zone 785m ²		RL1 Rural Living Zone 1 40ha
	R2 Township Residential B Zone 2,000m ²		B1 Township Business zone
	R3 Town Fringe zone 2ha		B2 Business Park zone
	RD1 Restricted Development		IN2 Light Industrial zone

These zones (other than business/industrial) defaulted to ‘prohibited’ innominate use. Almost all residential development was single dwelling.

- The **R1** zone applied to the town centre area included multi-dwelling density controls, while the **R2** ‘outer’ residential zone restricted multi-dwelling development to corner sites over 1,900m², maximum 2 dwellings.
- The **R3 Town Fringe** zone had a minimum subdivision size of 2ha; a purpose of “*To recognise landscape qualities and amenity, consistent with capability*”; and front setbacks of 50m (street), 20m (other boundary).
- The **RD1 Restricted Development** zone set restructure and prescribed subdivision requirements.
- The **RL1 Rural Living** zone had a purpose of “*To provide a permanent non-urban buffer between townships.*” Its role was to “*act as buffers to townships*”¹¹.

The influence of R2 2000m² subdivision size (the location of which broadly equates to NRZ7 in C100), and R3 2ha subdivision size (existing LDRZ) can be seen in the land patterns and character of Riddells Creek today.

¹¹ Shire of Romsey Rural Landscape Strategy, Structure Plan

2.4 New Format Macedon Ranges Planning Scheme 2000

This scheme replaced SPP8 policy context and prescriptive planning controls with generic VPP zones and default ResCode standards that do not have subservience to landscape, rural character and environmental sensitivities at their core. All of the Shire's towns have struggled under these conditions, including Riddells Creek.

The ensuing suburban-style development – large houses, large scale, small lots, minimal setbacks, narrow roads, urban colours and materials – damages character and (such as at Filmer Place in Riddells Creek) is easily distinguishable from most earlier development. These difficulties have been compounded by:

- a) 'Best fit' translation of prescriptive controls into the new format scheme.
- b) Downgrading of Statement of Planning Policy No. 8 to local policy, making it one of many policies instead of the primary policy to be considered.
- c) The inability of the VPP system to implement SPP8's special requirements.
- d) An incomplete planning scheme – panel recommendations not implemented, strategic work not done.
- e) The VPP planning system and loss of local knowledge post-Council amalgamations which led to loss of a 'protection' culture for this area at government and agency levels.
- f) Recent shifts in Council's strategic priorities from environment, to growth and economic development.
- g) Victoria In Future population projections, which reflect what *has* been happening, untempered by policy.

These factors have built perceptions the Shire is a *de facto* extension of metropolitan growth areas, and have fed escalating pressures for growth and development.

3 ADDITIONAL PLANNING CONSIDERATIONS

Although Clause 21.13-5 lists Further Strategic Work, decisions will be made about C100 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 Fire

The Panel has information before it and will have heard that bushfire is a primary planning consideration for Riddells Creek, and will be aware of the extent of the BMO applied within the town boundary to the north-west of the town.

Riddells Creek is one of five settlements in the Shire identified with EXTREME fire risk (Figure 3).

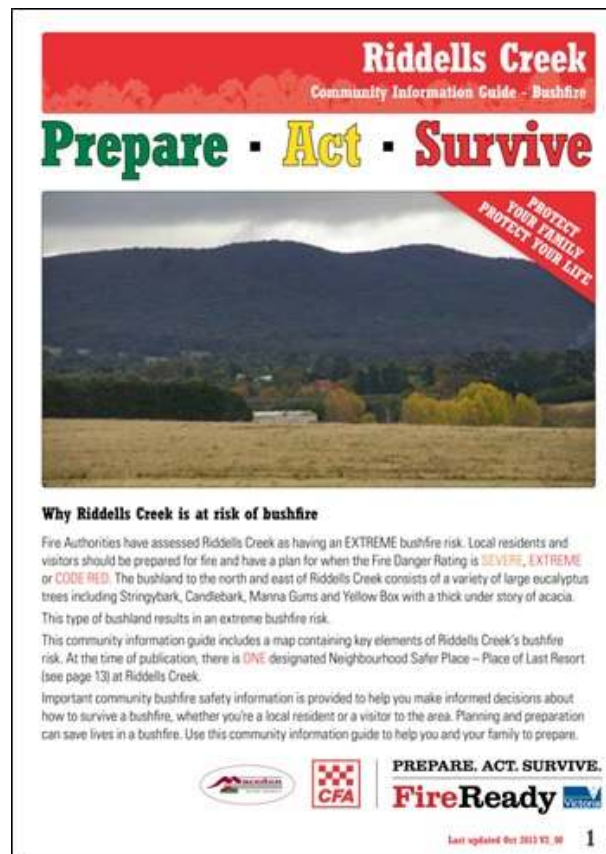


Figure 3 CFA Community Information Guide - Riddells Creek (front page)

Additional to potential for a “well-fuelled” fire from north-west, 2014 showed fast-moving grassfires are also high risk.

Figure 4 shows the 9 February 2014 grassfire approaching Riddells Creek from the south west, and the track taken by the fire. The fire started at Gisborne South, but a wind change turned and moved it rapidly up to the railway line (burning through land south of the railway line proposed for UGZ in C100).

As the fire approached ten fire trucks, 100 metres apart, stood to defend the town. To their backs, 300 people filled the reserve – the Neighbourhood Safer Place. Embers crossed the railway line and started small fires in the town, but the main fire was held at the railway line.



Figure 4 Fast moving grassfire approaching Riddells Creek from south of the railway line, 9 February, 2014, and the track taken by the fire.

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.”*

3.2 Flooding and Drainage

The 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.¹² This has not been done.

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

*“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]

¹² Recommendation 15, After Adoption, 1999 New Format Advisory Committee Report

As drainage-related SBO and floodway overlays/zones have not been applied in the Shire, the existing Land Subject to Inundation overlay does not necessarily reflect the true nature or extent of flooding. Figure 5 shows the extent of LSIO in Riddells Creek in relation to some of the drainage lines in the area. A flood control is not applied to the main Riddells Creek waterway, which crosses land south of the railway.

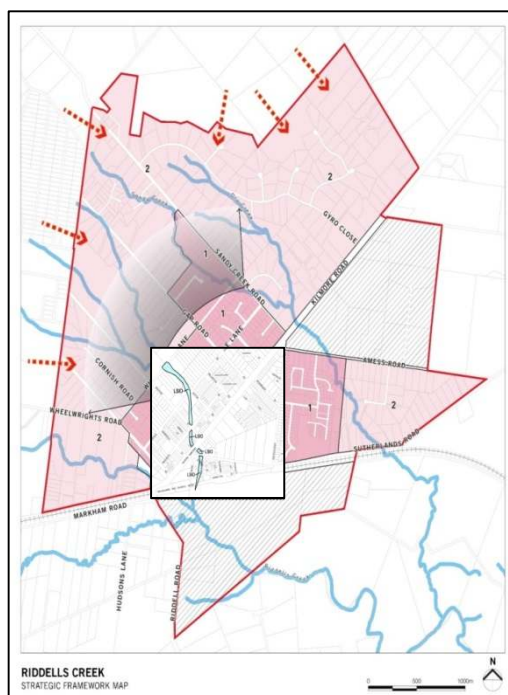


Figure 5 Extent of waterways¹³ and LSIO in Riddells Creek
(additional drainage lines cross the northern section of LDRZ and RLZ1 at Amess Road – not shown here).

3.3 The Shire's Heritage Overlays

The 1997 exhibited new format scheme's HO schedule listed 699 heritage places. Today there are 279.

Exhibited heritage overlay anomalies led the new format Advisory Committee to make recommendations¹⁴ for errors to be corrected and affected owners notified before adoption, and:

- Where consent was obtained, include the place in the overlay before adoption.
- Where consent was not obtained, include in the first amendment to the scheme.¹⁵

As this has not been done, hundreds of heritage places in the Shire have no heritage overlay protection.

Council commenced a Heritage Review in 2006 to support amendments to implement the new format Advisory Committee's recommendations. Amendment C33 (2012) implemented Stage 1.¹⁶ Stage 2 was included as further strategic work in Amendment C84 (MSS review), but was replaced by 'undertaking a heritage strategy' in the approved C84 scheme. Stage 2 of the Heritage Review is apparently not to proceed.

¹³ C100 exhibited Strategic Framework Map

¹⁴ Recommendations # 2 and #3, Prior to adoption

¹⁵ Recommendation 4, After adoption

¹⁶ Amendment C33 Explanatory Report

3.4 Macedon Ranges Cultural Heritage and Landscape Study 1994

The Study, which assessed heritage and landscape values for rural land and townships in the central and southern parts of the Shire, concluded:

"The landscape encompassed within the [former] Shires of Gisborne, Romsey and Newham/Woodend is critical in the contemporary character of Australia." ¹⁷

The Study's findings for landscape units in the Riddells Creek area (shown in Figure 6) are provided below.

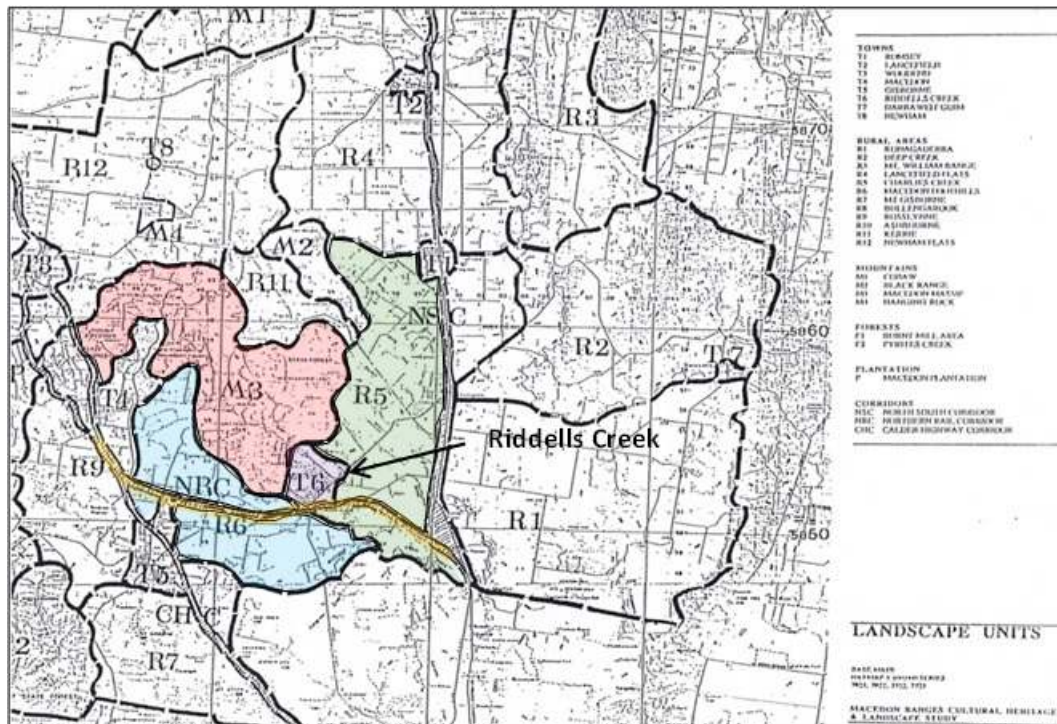


Figure 6 Map of Landscape Units, Macedon Ranges Cultural Heritage and Landscape Study, 1994

- T06** The **Riddells Creek Township** landscape unit is of Local significance.¹⁸
- R5** The **Charlies Creek** landscape unit¹⁹ is of Regional significance, and includes the Amess Road UGZ area. Views west from Lancefield-Melbourne Road viewing corridor to the Macedon Range (i.e. across the R5 landscape unit) are also of Regional significance.²⁰
- R6** The **Macedon Foothills** landscape unit²¹ is of State / Regional significance, and includes lands between Jacksons and Riddells Creeks, including the Riddells Creek gorge – *it includes land south of the railway at Riddells Creek, and in the northern LDRZ areas.*
- NRC** The **Northwest Rail Corridor** landscape unit²² is a landscape of State significance.
- M3** The **Macedon Massif** landscape unit²³ is a landscape of State significance.

¹⁷ *Statement of Significance, Volume 2, Environmental History, Statement of Significance, pages 2 and 3. TBA Planners / Trevor Budge & Associates in conjunction with Graeme Butler & Ass., Francine Gifedder & Ass., Dr. Chris McConville & Ass., Juliet Ramsay, Gini Lee, Steven Matthews.*

¹⁸ *Macedon Ranges Cultural Heritage and Landscape Study: Rankings - page 9 App 2, Vol 2; Township Unit – page 162, Volume 2*

¹⁹ *Macedon Ranges Cultural Heritage and Landscape Study: Rankings – page 9 App 2, Vol 2; Landscape Unit – page 31, Volume 2.*

²⁰ GHD and DELWP: draft Central Victoria Landscape Assessment Study, April 2015 (Regional, State and higher values).

²¹ *Macedon Ranges Cultural Heritage and Landscape Study: Rankings – page 9 App 2, Vol 2; Landscape Unit – page 34, Volume 2.*

²² *Macedon Ranges Cultural Heritage and Landscape Study: Rankings – page 9 App 2, Vol 2; Landscape Unit – page 111, Volume 2.*

²³ *Macedon Ranges Cultural Heritage and Landscape Study: Rankings – page 9 App 2, Vol 2; Landscape Unit – page 82, Volume 2.*

The Study identified two township heritage precincts²⁴ that require further work before planning scheme protection:

- Riddells Creek Town Centre precinct (aka Station Street Commercial precinct)²⁵
- Riddells Creek Residential, Landscape and Civic precinct.²⁶

The Association submits that the above information raises issues relevant to C100:

- a) Although information is now available that identifies areas of lower bushfire risk for development, when the Settlement Strategy set growth levels for Riddells Creek, unlike Woodend, Mt. Macedon and Macedon, the town was not then officially acknowledged as having *extreme* fire risk. The Strategy acknowledges fire risk, but not *extreme* fire risk, as a constraint at Riddells Creek. This leaves unanswered the questions of whether the level of growth proposed is appropriate in this risk situation, and whether such growth satisfies State policy requirements to prioritise the protection of human life over other policy considerations.
- b) Heritage and landscape issues require higher consideration. Protecting landscapes at and around Riddells Creek entails more than maintaining scenic views from the town. It also requires consideration of the town's role and impact upon the broader, higher level landscapes that surround it.

4 POPULATION AND 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 areas for growth (and no growth), 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, saying²⁷ that its recommendations:

“align with the aim of developing sustainable communities: directing growth towards strategically identified locations, building on existing infrastructure; and protecting the values and natural amenity considered unique to the Macedon Ranges Shire.”

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

The Strategy:²⁸

- a) Did not include medium density development in land supply except at Kyneton.
- b) Did not include Rural Living zone land supply (where available under existing planning scheme controls) for towns within Special Water Supply Catchments.
- c) Assumed *no growth* in the Shire's rural balance from 2006 out to 2036.

²⁴ Macedon Ranges Cultural Heritage and Landscape Study: Volume 1 – Recommendations, page 52

²⁵ Macedon Ranges Cultural Heritage and Landscape Study: Volume 4C, Appendix 1, page 434; Volume 1, Appendix 3B, page 30.

²⁶ Volume 4, Appendix 1, page 302; Volume 1, Appendix 3B, page 28.

²⁷ at page 5

²⁸ Methodology for residential land supply assessment is provided at Appendix 4 page 1, Macedon Ranges Settlement Strategy.

4.2 Macedon Ranges Settlement Strategy: Riddells Creek

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

1) Population Growth

Riddells Creek					
Evaluation of Growth Scenarios					
Table 12 shows the population of Riddells Creek under each of the scenarios, relative to the effective population capacity the unconstrained land in Riddells Creek can accommodate.					
Table 12 > Population Growth Scenarios in Malmsbury					
	Population	Increase	AAGR	% unconstrained land supply required to effectively accommodate forecast popn	Annual Population Increase
2006 Population	3,500				
2036 AAGR Reg Vic	4,800	37%	1.1%	98%	43
Reflecting the quantum growth in est ERP by Town 1991-2006	5,500	57%	1.5%	112%	67
2036 VIF 2008 Popn Applied	6,100	74%	1.9%	124%	87
Effective Supply*	4,920				
*Effective supply – the population capacity that can be effectively accommodated within the unconstrained land zoned for residential purposes. This estimate takes into account changing average household size and an allowance for unoccupied private dwellings.					

Figure 7 Riddells Creek population growth scenarios: Settlement Strategy^{29 30}

Figure 7 shows the Settlement Strategy's evaluation of three growth scenarios for Riddells Creek.

- a) The option chosen – full 2008 Victoria In Future population projections – resulted in a recommended 2036 population of 6,100: a 74% increase from 2006, using a 1.9% average annual growth rate³¹ over 30 years. The Settlement Strategy noted:

“Challenges for Macedon Ranges Shire for the support of the high VIF projection will include the cost of infrastructure servicing to deliver a sustainable community.”³²

- b) Although the Settlement Strategy recognised Riddells Creek:

“...is constrained due to fire risk and protection of native vegetation.”³³ and

“...lacks some of the infrastructure that might be expected to deliver a sustainable town.”³⁴

it concluded the high level of growth proposed was justified because:

“Growth in Riddells Creek in recognition of the attractiveness of the town for commuters.”³⁵

“The recommended outcome has regard for historical demand patterns. There is strong justification for growth in Riddells Creek based on existing railway infrastructure and community facilities.”³⁶ and

“...proximity to Gisborne and Sunbury.”³⁷

²⁹ Appendix 3, page 15, Macedon Ranges Settlement Strategy, Evaluation of Growth Scenarios, Riddells Creek, Table 12

³⁰ Note: The repeat of “Malmsbury” at the discussion of Riddells Creek is an error in the Settlement Strategy

³¹ The average annual growth rate actually calculates (3,500 to 6,100 over 30 years) to 2.1% per annum.

³² Appendix 3, page 15, Macedon Ranges Settlement Strategy, Evaluation of Growth Scenarios, Riddells Creek, Table 12

³³ Page 58, Riddells Creek and Surrounds, Constraints on development, Macedon Ranges Settlement Strategy

³⁴ Page 58, Riddells Creek and Surrounds, Constraints on development, Macedon Ranges Settlement Strategy

³⁵ Page 4, Town specific recommendations, Macedon Ranges Settlement Strategy

³⁶ Page 59, Riddells Creek and Surrounds, Justification of the recommended outcome, Macedon Ranges Settlement Strategy

Table 1 > Recommended population projections for Macedon Ranges Shire						
	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
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	

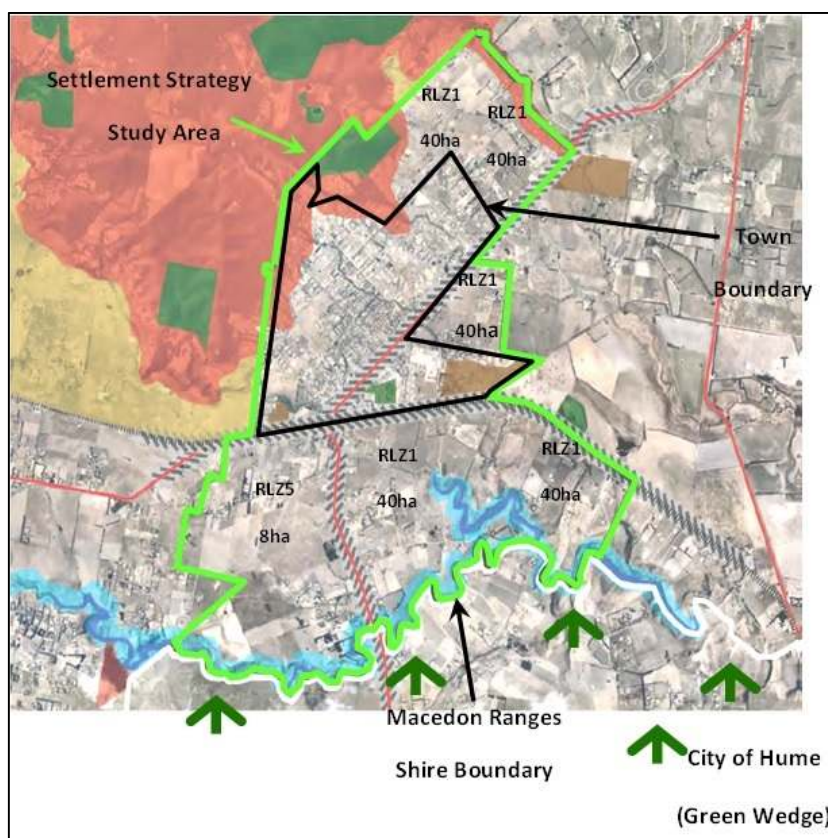
**Figure 8 Macedon Ranges Settlement Strategy:
Recommended Population Projections 2006 – 2036 for Macedon Ranges Shire** ³⁸

- c) **Figure 8** shows the Settlement Strategy's recommended 2036 population projection of 6,100 for Riddells Creek, an increase of 2,600 people over 30 years. Total population, and additional population, for Riddells Creek are higher than for Romsey (6,000 @ 2036, +1,900).
- d) The Settlement Strategy's Study Area for Riddells Creek (**Figure 9**) included RCZ1 and Rural Living 1 and 5 zones outside the town boundary, and extended to the Shire's boundary with the Melbourne metropolitan area, south of which is the *Sunbury Green Wedge* in the City of Hume.

³⁷ Page 59, Riddells Creek and Surrounds, Recommended Outcome, Macedon Ranges Settlement Strategy

³⁸ Page 3, Table 1, Macedon Ranges Settlement Strategy 2011

**Figure 9 Riddells Creek Study Area,
Macedon Ranges
Settlement Strategy (2011)**



- e) It is important to note the Riddells Creek *Study Area*'s population is the basis for the Settlement Strategy's 2006 and 2036 population projections for 'Riddells Creek'. That is:
- The 2006 population 'starting point' (3,500) is the 2006 population of the *Study Area*, not the town. In 2006, the town's Urban Centre population was 2,625³⁹, or 875 fewer persons.
 - The 2036 recommended population (6,100) is the 2036 population for the *Study Area*, not the town. It reflects application of the VIF average annual growth rate to the *Study Area*'s 2006 population of 3,500.
 - The 2006-2036 population increase (+2,600) is the population increase for the *Study Area*, not the town.
- f) Instead of Study Area population growth being distributed across the Study Area, it is all being directed into the town.
- g) Accommodating the Study Area's 2036 population in the town triggers a need for additional land supply in the town.
- h) The Settlement Strategy concluded that:
- Riddells Creek had a lower end lot supply of 520 lots⁴⁰ and an upper end supply of 1,350 lots.⁴¹ (Figure 10)
 - Existing residentially zoned land could accommodate 4,900 people⁴² in the town.
 - An estimated 950 lots would be needed to accommodate 6,100 persons (520 lots available).⁴³

³⁹ Riddells Creek Urban centre population, ABS Quikstats, 2006

⁴⁰ At 85% take-up and based on 1,000 m² lots, Appendix 4, page 15, Macedon Ranges Settlement Strategy

⁴¹ At 85% take-up and based on 1,000 m² lots, Appendix 4, page 16, Macedon Ranges Settlement Strategy

⁴² Page 58, Macedon Ranges Settlement Strategy

The Association noted at Point 14 of its exhibition submission that C100 deletes the statement that 4,900 people can be accommodated on existing residentially zoned land at Riddells Creek (inserted by Amendment C84), from Clause 21.13-5 Overview. This should be reinstated.

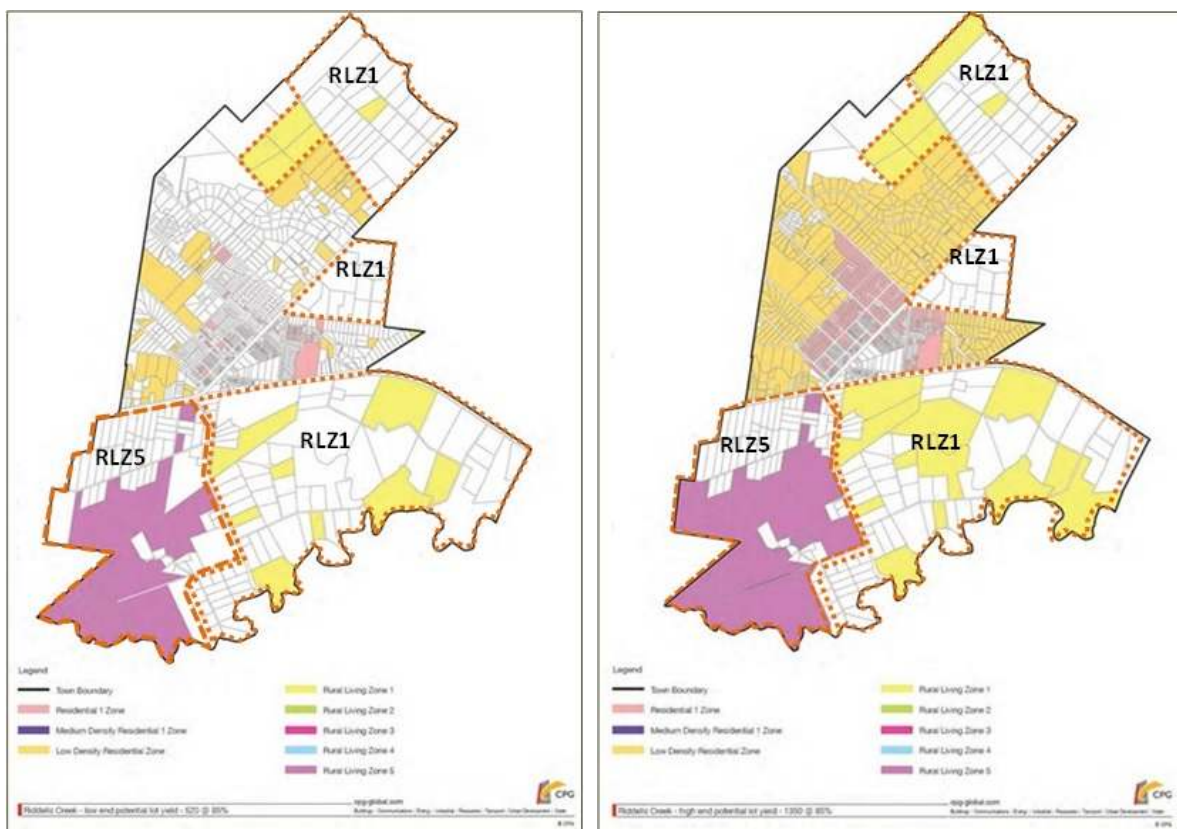


Figure 10 Riddells Creek Study Area estimated residential land supply: lower end (left, 520 lots) and upper end (right, 1,350 lots). Land supply included RLZ zoned land.

- i) The Settlement Strategy's estimated residential land supply included lots from RLZ but not RCZ1 zoned land.
- j) While Amendment C100 places the full 2036 Study Area population increase in the town, current Amendment C110 now proposes to rezone rural living zones within the Study Area (Figure 11) to allow additional population growth in the Study Area, additional to that already identified in the Settlement Strategy.

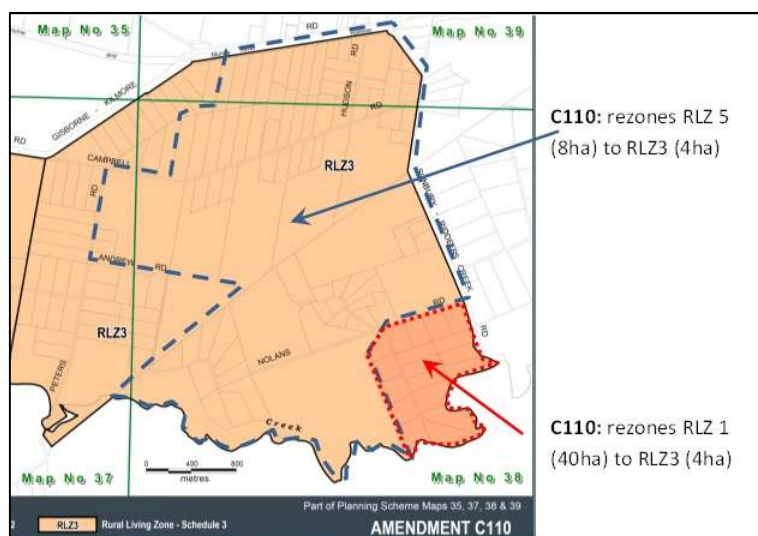


Figure 11 Zoning and subdivision size changes proposed within the Riddells Creek Study Area by Amendment C110

- k) As post-2006 datasets for the Settlement Strategy's Study Area have not been maintained, a confusing array of figures bob up at Riddells Creek, including data from much larger areas (e.g. ABS State Suburb data) which are used in assessments of land supply and demand in the town. Table 1 shows differing data, and count areas.

Table 1 Population Data and Areas Used For Riddells Creek

Population Data for Riddells Creek								
Year	A Settlement Strategy Study Area		B ABS Urban Centre		C ABS State Suburb		D Structure Plan (ABS State Suburb)	
	People	Area Included (km ²)	People	Area Included (km ²)	People	Area Included (km ²)	People	Area Included (km ²)
2006	3,500	34?	2,625 ⁴⁴	9.2 ⁴⁵	3,441 ⁴⁶	101.5 ⁴⁷		
2011			2,976 ⁴⁸	10.7 ⁴⁹	3,753 ⁵⁰	83.3 ⁵¹	3,753 ⁵²	83.3 ⁵³
2036	6,100	34?						
	+2,600							

- l) Historically high population growth rates are used to justify growth assigned to Riddells Creek. However two boundary changes in the last 15 years have impacted on the town's growth rates. Figure 12 shows the substantial change in area counted for the 2001 census, and further changes made before the 2011 census.

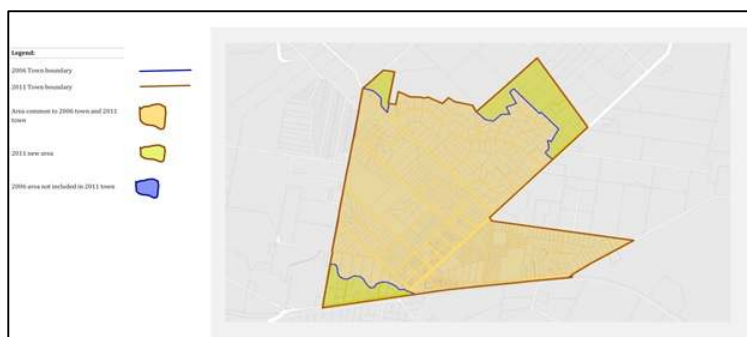
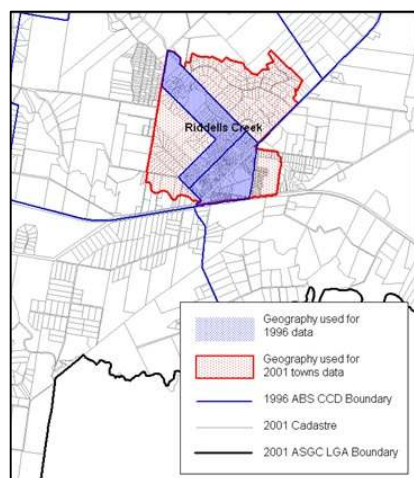


Figure 12 shows additional (red) areas counted as urban centre population in the 2001 census ⁵⁴ (left) and additional (yellow) areas counted in the 2011 census (above).

⁴⁴ Riddells Creek Urban centre population, ABS Quikstats, 2006

⁴⁵ Riddells Creek Urban Centre area, ABS Community profiles, 2006

⁴⁶ Riddells Creek State Suburb population, ABS Quikstats, 2006

⁴⁷ Riddells Creek State Suburb area, ABS Community profiles, 2006

⁴⁸ Riddells Creek Urban Centre population, ABS Quikstats, 2011

⁴⁹ Riddells Creek Urban Centre area, ABS Community profiles, 2011

⁵⁰ Riddells Creek State Suburb population, ABS Quikstats, 2011

⁵¹ Riddells Creek State Suburb area, ABS Community profiles, 2011

⁵² RC Structure Plan, Appendix E, Regional Role, Population demographics –Riddells Creek State Suburb population, ABS Quikstats, 2011

⁵³ Riddells Creek State Suburb area, ABS Community profiles, 2011

⁵⁴ Documentation from /

Spikes in annual growth rates produced by these changes, particularly in 2001, are shown in Table 2.

Table 2 Effects of change to urban centre boundaries on growth rates⁵⁵

Year	Population	People	% average annual growth rate
1981	1076		
1986	1375	+299	5.6%
1991	1592	+217	3.2%
1996	1795	+203	2.6%
2001	2337	+542	6.0%
2006	2548	+211	1.8%
2011	2879	+331	2.6%

m) Other factors to consider in relation to growth are:

- Exclusion of medium density housing development in land supply assessments, but inclusion of medium density building approvals in calculating lot demand.
- “Churn” rates in Riddells Creek (shown in Figure 13) which provide opportunities for people to ‘buy into’ the town without new residential development.

Riddells Creek - Towns In Time: "Churn Rates"

Census Year	Total population No.	Same address years before No.	5 %	Not at same address 5 years before %	Unoccupied Private Dwellings	Persons Per Household
1981	1,076	389	36.2%	63.8%	9%	3.36
1986	1,375	737	53.6%	46.4%	5%	3.39
1991	1,592	910	57.2%	42.8%	8%	3.33
1996	1,795	1,114	62.1%	37.9%	7%	3.18
2001	2,337	1,380	59.1%	40.9%	4%	3.15
2006	2,548	1,492	58.6%	41.4%	5%	3.01
2011	2,879	1,824	63.4%	36.6%	6%	2.89

Figure 13 Riddells Creek "Churn" Rates, 1981 - 2011 (Towns In Time, 2011)⁵⁶

The Association submits the Settlement Strategy's inclusion of Study Area population as the basis for growth in towns has always been controversial, and hurts Riddells Creek more than most towns in the Shire because of the high growth applied, the settlement pattern within the Study Area, and the extent of surrounding RLZ land.

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

There will be some who look at the 6,100 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 additional land supply, and how much, is really needed in Riddells Creek.

⁵⁵ Towns In Time: enumerated population (includes visitors on census night).

⁵⁶ Towns In Time: enumerated population (includes visitors on census night).

4.3 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 ⁵⁷;
- 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) ⁵⁸ 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 approved 25 February, 2016).

In addition, Amendment C110 (rural living review), ⁵⁹ 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 C99 at Kyneton identifies around 180ha of Farming Zone as “Future Urban Growth”, and 43ha for “potential future low density residential areas” (additional to 24ha of existing undeveloped LDRZ);
- l) Current Amendment C102 rezones 13ha of Farming Zone at Kyneton to (sewered) LDRZ;
- m) Amendment C100 at Riddells Creek proposes some 250ha of Urban Growth Zone (when 57ha is needed);
- n) Amendment C98 at Woodend proposes some 480ha as “Investigation Areas” for future residential growth.

The Association submits the aims for residential land supply in the Shire:

- Represent accelerated growth and go beyond any planned growth in the Settlement Strategy;
- Exceed State policy requirements, and risk creating an over-supply of land for residential purposes;
- Are not compatible with high environmental significance, and pending legislative protection;
- Put towns under duress, and create pressure for additional unplanned growth and development.

⁵⁷ Macedon Ranges Settlement Strategy

⁵⁸ In The Rural Living Zone, Macedon Ranges Shire Council, September, 2015 (Amendment C110)

⁵⁹ Amendment C110 implements the “In The Rural Living Zone” report, Macedon Ranges Shire Council, September 2015

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.

As with C98, we believe it may assist the Panel to ask Council for 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 and the Macedon Ranges Settlement Strategy.

5 STATE & LOCAL POLICY CONTEXT

Council's submission to the Panel demonstrated repeated State and local policy imperatives for protection of character and environmental values in peri-urban, hinterland, and Loddon Mallee regions, and in this Shire.

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

The Plan says of Riddells Creek:

"Riddells Creek is likely to continue to grow at a moderate rate. Current population projections indicate the town could reach a population of just over 6,000 people by 2041." ⁶⁰ [emphasis added]

As with Woodend, the Loddon Mallee plan ⁶¹ places Riddells Creek into the category "Towns and Rural Centres" which have a "Smaller population and employment base providing localised services to rural and commuter communities". ⁶² Gisborne, and to a lesser extent Kyneton, are towns identified for growth in the Shire.

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..." ⁶³

And has the following requirement:

"Minimise the impacts of land use change and development on areas with significant environmental assets." ⁶⁴

The Plan does not endorse Riddells Creek as a growth town, but confirms it is a smaller centre which is likely to experience 'moderate' growth over the long-term.

b) Plan Melbourne and Plan Melbourne Refresh

Plan Melbourne identifies the Macedon Ranges as one of four environmentally sensitive areas to be protected by a Localised Planning Statement. Plan Melbourne Refresh says, of Green Wedge and peri-urban areas:

"...they need to be identified as a valuable resource for numerous reasons... and not simply as 'vacant land awaiting urban development' or 'dormitory suburbs'." ⁶⁵

⁶⁰ Part C, page 49, Loddon Mallee South Regional Growth Plan, 2014.

⁶¹ Map 9, page 41, Loddon Mallee South Regional Growth Plan, 2014

⁶² Chapter 13.1 Loddon Mallee South urban settlement, Map 9 (page 41)

⁶³ Loddon Mallee South Regional Growth Plan, 12 Environment and heritage Page 32

⁶⁴ Future Directions at Principle 6, Protect and enhance our natural and built environment, Loddon Mallee South Regional Growth Plan, page 19

c) Legislative Protection Context

The State government has committed to introducing legislation to protect Macedon Ranges, based on Statement of Planning Policy No. 8. **Attachment 2** The following elements of Statement of Planning Policy No. 8 (Clause 22.01) are considered to be of particular relevance to Amendment C100:

The planning policy to be applied in the area:

- *“Protection and utilisation of the resources of the policy area for water supply, tourism and recreation, and nature conservation must be the primary concern.”*
- *“Development to be permitted in urban and rural areas shall be planned to achieve harmony with the natural environment and to maintain both the generally rural character and high landscape values of the Policy Area.”*

Major factors influencing the Policy:

- *“The high quality of landscapes, both natural and man-made.”*
- *“The important role of existing settlements in relation to the character, functioning and future of the Policy Area.”*

In implementing this Policy every Department, Public Authority, Regional Planning Authority and other Responsible Authority, where appropriate to its function, shall pay special attention to the following:

- *“Control of subdivisions to ensure that the pattern and size is consistent with the Policy...”*
- *“Review and evaluation of existing subdivisions and their capacity for development without detriment to the area...”*
- *“Formulation of restraints and proposals designed to reduce potential intensity of use and development, particularly in areas of strategic importance.”*
- *“Preservation and enhancement of landscape by reservation or regulation of the use of land, paying particular attention to:*
Landscape areas and vantage points of high quality, and
Visual sequences along access routes.”
- *“Formulation of suggested standards for the siting and appearance of buildings and other developments, particularly in recreation and tourist areas and areas of special landscape value...”*

The Policy's Explanatory Report ⁶⁶ also says:

“There is a need to retain a buffer zone of predominantly rural land-uses between any concentrated urban development at Sunbury and the major recreational and scenic attractions, water catchments and forest resources of the Macedon Range.”

This in turn is supported by State policy at Clause 12.04-1 *Environmentally sensitive areas*:

“Objective: To protect and conserve environmentally sensitive areas

Strategies:

Protect environmentally sensitive areas with significant recreational value such as the ... Macedon Ranges... from development which would diminish their environmental conservation or recreation values.”

⁶⁵ 2.5 Shaping the City, Plan Melbourne Refresh Discussion Paper (2015).

⁶⁶ Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds, page 33

AMENDMENT C100

6 THE RIDDELLS CREEK TOWNSHIP STRUCTURE PLAN

A primary concern in the Association's exhibition submission was that C100 represents substantial change in terms of content, components and direction from the adopted Structure Plan, and these changes had been made without consultation until exhibition of the amendment. Specific issues raised included:

- a) Loss of Structure Plan components; replacement of the Structure Plan's Neighbourhood Character Study and 24 character precincts adopted by Council with new Neighbourhood Character Profiles and a handful of character precincts (MRRA Point 1, 1a to 1e, and preamble).
- b) Clause 21.13- 5 Objectives being based on the new Neighbourhood Character Profiles rather than the Structure Plan, and translated with brevity and repetition causing more loss of character distinctions within the town (MRRA Point 2).
- c) The Structure Plan's Residential Neighbourhood Character local policy is not included in C100. (MRRA Point 9).
- d) Failure to include residential areas within the Town Centre Area and DDO24. (MRRA Point 10)

Council response to MRRA (Submission 79, Response 4a):

Council's response is that it does not agree that the Neighbourhood Character Study (including the 24 character precincts, draft Neighbourhood Character Policy and draft DDO schedule) was adopted by Council, and refers to Key Issue B (discussion of implementation of neighbourhood character precincts).

- e) Exhibition of a revised Residential Framework Plan without identifying its role in the planning scheme (*the same can also be said of the revised Development Framework Plan, and Indicative Overlay Plan*). (MRRA Point 23)

Council response to MRRA (Submission 79, Response 4h):

"The Strategic Framework Map and Neighbourhood Character Precincts Map are both included in the exhibited Clause 21.13-5 as a clear expression of local policy."

- f) Replacement of the Structure Plan's recommendation for preparation of a Town Centre Masterplan with Future Strategic Work for an Urban Design Framework (MRRA Point 25).

Council response to MRRA (Submission 79, Response 4b): Key Issue F (Discussion of DDO24)

- g) The amendment's failure to include and implement the Structure Plan's requirements at Vision and Themes for development to comply with Design Guidelines, the Development Framework Plan, Residential Framework Plan, and the Neighbourhood Character Study (MRRA Point 26).

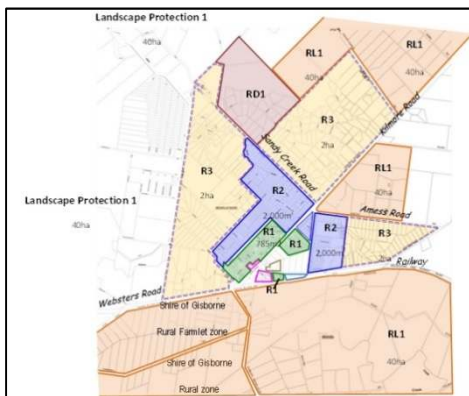
The Association submits Council minutes for 18 December 2013 (**Attachment 3**) do not indicate that Council did **not** adopt the Structure Plan's Neighbourhood Character Study. I attended that meeting and, as arguments about adding Area 5 as a Priority Development Area dominated the debate, left believing only the Development Contributions Plan was intended for alternative action. The report in fact says the Neighbourhood character study will be finalised during the planning scheme amendment stage, not that it would be discarded.

The point is, the community wasn't aware or made aware C100 had a completely different document as its basis - flyers sent to residents announced, "Amendment C100 proposes to implement the key directions of the Riddells Creek Structure Plan through changes to the Macedon Ranges Planning Scheme." At the explanation for Residential land, the flyers only advised, "the Riddells Creek Neighbourhood Character Precinct Profiles have been developed. These build on the draft Neighbourhood Character Study prepared during the Riddells Creek Structure Plan process." Those Character Precinct Profiles weren't the subject of consultation until exhibited with the amendment, by which time they were the amendment.

C100 not only walks away from the Neighbourhood Character Study, it leaves behind the Structure Plan's planning principles and direction - the frameworks, precincts, guidelines, policy, planning controls, objectives for orderly, strategic planning, and character protection.

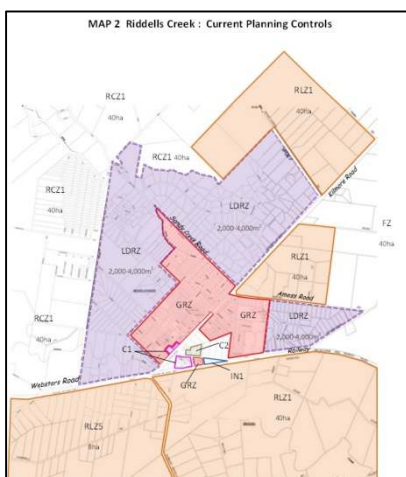
To help demonstrate this, a series of maps have been prepared, at **Attachment 4**. These show a sequence of planning regimes for Riddells Creek, including the Structure Plan and C100.

6.1 Map 1 Shire of Romsey Planning Scheme



The Shire of Romsey zones are discussed earlier, at section 2.3. They are included here to provide a starting point.

6.2 Map 2 Current Planning Scheme



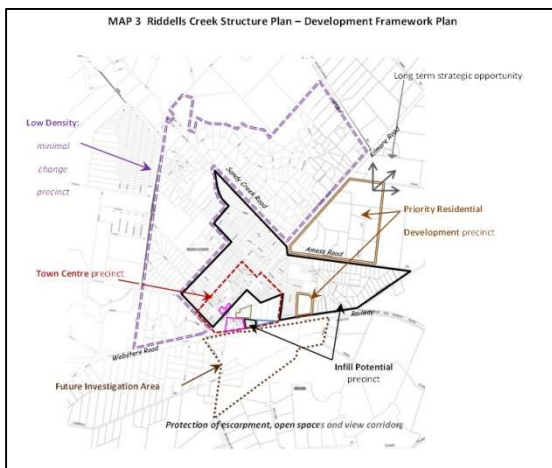
Translation into the new format scheme resulted in some significant changes:

- a) The two Town Residential zones (A and B) both became GRZ and ResCode
- b) The 2ha Town Fringe zone became LDRZ 4,000 m²
- c) The Light Industrial zone became IN1

Translation of the R3 zone to LDRZ (0.4ha) at Riddells Creek in the new format scheme has never been explained. It was not the subject of an Advisory Committee recommendation. The R3 zone at Romsey was translated into Rural Living Zone 2 (2ha).

In addition, an error in the new format scheme also saw all former light industrial zones in the Shire incorrectly translated as IN1, including at Riddells Creek.

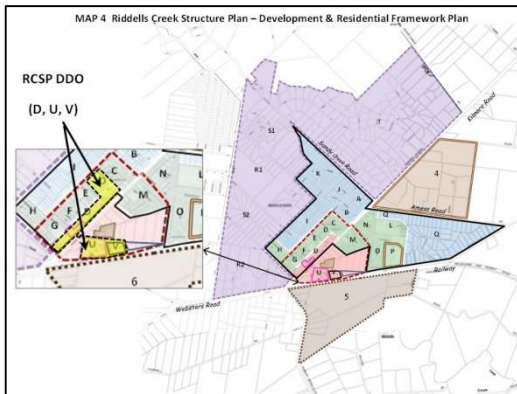
6.3 Map 3 RCSP: Development Framework Plan



The Structure Plan's Development Framework sets the broad, over-arching development directions for the town.

- a) The 'Town Centre Precinct' includes both town centre 'core' commercial and residential areas, and part of the 'Infill Potential Precinct'.
- b) Two areas are identified as 'Priority Residential Development Precinct' – Amess Road, and near Cheriton Court / Racecourse Road (GRZ).
- c) Arrows signalling 'long-term strategic opportunity' point to the north, north-east and east in the Amess Road area.
- d) The eastern LDRZ near Sutherlands Road is included in the 'Infill Potential Precinct', while the western/northern LDRZ is a 'Minimal Change Precinct'.
- e) Land south of the railway is identified as a Future Investigation Area.
- f) Below the land south of the railway, there is a direction for protection of escarpment, open spaces and view corridors. This direction isn't included in the C100 MSS Strategic Framework Map.

6.4 Map 4 RCSP: Combined Development Framework and Residential Framework Plans



This map shows the ‘big picture’ of the Structure Plan’s **Development Framework Plan**, overlaid with the Structure Plan’s **Residential Framework Plan**, which adds definition and some finer detail to the Development Framework. Also shown are the Structure Plan’s neighbourhood character precincts (A to V).

The tables on the large maps show the Development Framework Plan’s directions on the left. The right side of the table shows how the Residential Framework sits within the Development Framework.

For example, the Development Framework’s Town Centre precinct includes the Residential Framework’s Town Centre Area, and some of the Town Centre Residential Area. The Development Framework’s Infill Potential precinct includes a small portion of the Town Centre Area, the Town Centre Residential Area and the Limited Infill Area.

- a) The Structure Plan ties different planning control requirements to each of the Residential Framework’s residential areas that fall within the Development Framework’s Infill Potential Areas.

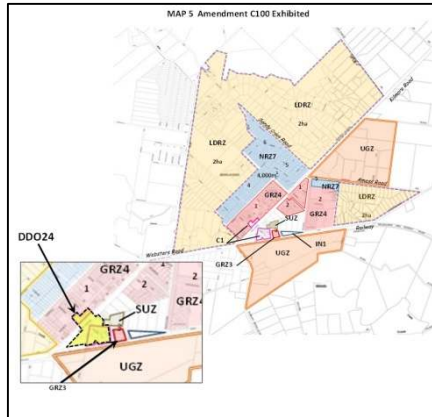
For example, “*Main Road and Station Street Design Guidelines*” apply to the Town Centre Area; the “*Town Residential Area Design Guidelines*” apply to the Town Centre Residential Area; and “*Low Density Residential Guidelines*” apply to the Limited Infill Area. These guidelines are at Appendix F in the Structure Plan.

- b) The Structure Plan also applies a “*Riddells Creek Residential Neighbourhood Character*” local policy (Clause 22) to all Residential 1 and Low Density zoned land. This policy is at Appendix A in the Structure Plan.
- c) The Structure Plan’s 24 **neighbourhood character precincts** (A to V) are also shown in the table with the Framework areas they relate to. The Structure Plan recommends further planning controls for some.

For example, character precincts D, U and V are within the Town Centre Area. The Structure Plan identified these commercial/residential precincts as the most sensitive, and recommends immediate protection with a Design and Development overlay. A draft DDO schedule is at Appendix B in the Structure Plan.

- d) The inset shows the character precincts the Structure Plan recommends for DDO application, and what the DDO might look like. Commercial and residential zones are included, on both sides of Main Road.
- e) The Structure Plan also nominates character precincts A and J (would benefit from additional policy or protection similar to recommendations for precincts D, U and V), and precincts B, C, M and N (further consideration of additional policy/controls).

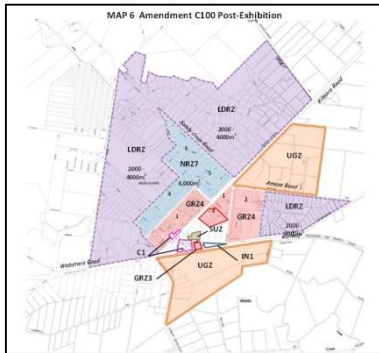
6.5 Map 5 Exhibited C100



DDO24 Town centre precinct

- a) The Neighbourhood Residential Zone (schedule 7) is applied to 2 areas, north and west of the town, and along Amess Road.
- b) A single neighbourhood character precinct (Rural Bushland) with three sub-precincts (A, B, and C) replaces the Structure Plan's seven neighbourhood character precincts in this area (A, B, H, I, J, K, and part of Q at Amess Road).
- c) Two GRZ schedules, with three character precincts, are proposed: GRZ3 for a small area near Stephens Street (the Town Centre Residential precinct), and a single zone schedule (GRZ4) for the rest (Garden Setting and Modern Residential precincts). The Structure Plan identifies 11 character precincts in these areas (C, D, E, F, G, I, M, N, O, P, and V (at GRZ3).
- d) GRZ3, with mainly default ResCode standards, is applied to one of the town centre character precincts the Structure Plan recommended for immediate DDO protection. This area is not included in DDO24.
- e) The Commercial 2 area is rezoned Special Use. The Structure Plan says encourage community uses and investigate rezoning.
- f) DDO24 redefines the town centre precinct and confines it to commercial and public land. The DDO is not applied to residential land, and covers a much smaller area than the DDO recommended in the Structure Plan.
- g) LDRZ areas are proposed for 2ha minimum subdivision.
- h) C100 does not apply a DPO to the Amess Road priority development area pending investigation of an appropriate zone, it rezones the land Urban Growth Zone. Likewise, the Future '20 – 30 years' Investigation area south of the railway is also zoned UGZ. This results in almost 250ha zoned for growth.
- i) C100 does not follow the development hierarchy set out in the Development and Residential Frameworks, and does not apply the policy or guidelines or other character controls the Structure Plan envisages.
- j) The Structure Plan's character precincts are merged together with a single set of controls applied to areas with different character.

6.6 Map 6 C100 Post-Exhibition



- LDRZ 2ha subdivision is deleted from the zone schedule, leaving this “Minimal Change” precinct with the zone’s default subdivision minimums, as now.
- Deletion of the LDRZ 2ha subdivision minimum results in the same minimum subdivision size in both LDRZ and NRZ.
- The Rural Bushland B character precinct south of Amess Road is changed to the Modern Residential character precinct. No mention is made of rezoning from NRZ7 to GRZ4 in Council’s response to submissions at Key Issue C (page 5).

The Association submits that there is almost nothing of the Structure Plan in C100, and a strategic basis for what is in the amendment has not been provided.

C100 does not even include the Structure Plan, the document the amendment is putting in the planning scheme, as a reference document in the MSS.

The Explanatory Report at Point 24, says “*some variations exist between the adopted Structure Plan and the proposed planning provisions*” and as relevant parts of sections of the Structure Plan have been included in controls and policy, the “*inclusion of the Structure Plan as a reference document is not necessary.*”

7 IMPLEMENTATION

7.1 General Residential Zone

(Point 5, 6 and 8, MRRA exhibition submission)

Concerns included only two GRZ schedules being applied throughout the main residential areas, with the same schedule and ResCode standards applied to both the Modern Residential and Garden Setting character precincts. Also that medium density development is provided for in Clause 21.13-5 across all GRZ areas.

The Association submits the Macedon Ranges Settlement Strategy⁶⁷ notes “*identification of preferred and non-preferred medium density areas*” is a key issue to be addressed by the Riddells Creek ODP / Structure Plan. The Structure Plan sets out areas for different levels of development and recommends policy, guidelines and planning controls to manage it, but C100 doesn’t take these up and instead intends to rely upon variations to ResCode standards in two zone schedules.

⁶⁷ Page 77, Key Issues to address: Riddells Creek

7.2 UGZ / Priority Growth Areas

(Points 15, 16, 17, 18 19 MRRA exhibition submission)

The Association's concerns included:

- Premature rezoning of the Amess Road area to Urban Growth Zone, contrary to the Structure Plan's recommendations.
- Elevation by Councillors⁶⁸ of the area south of the railway from a 20 – 30 year investigation area to a Priority Growth Area, despite estimated \$20 million⁶⁹ infrastructure costs, and lack of justification.
- Conflicting directions in the Structure Plan's Development Framework Plan i.e. arrows indicating areas north / east of Amess Road as "township expansion opportunities once existing land supply in the township is limited."
- Provision of land supply far in excess of any requirements for planned growth until 2036.

Council response to MRRA (Submission 79, Response 4d): Key Issue D

The thrust of Council's response was that the UGZ gives clarity about the location of future growth up to and beyond 2036, protects the land from prejudicial development, enables staging in response to demand, and requires an integrated response to planning issues. Also that Areas 4 and 5 were extensively debated by Council which decided both had merit.

The Association submits the Structure Plan's recommendations – retaining existing zoning, applying a DPO⁷⁰ and investigating appropriate zoning - achieve the same outcomes. Immediate rezoning, even to UGZ, overlooks the town's capacity to accommodate up to 4,900 people, and that the need for additional land is a *long-term need*. The town needs an additional 57ha out to 2036; C100 provides almost 250ha. A previous attempt to introduce the UGZ in Amendment C67 – Gisborne ODP - was not supported by that Panel.

Concurrent growth to the north and south was the lowest rated option assessed by the Structure Plan (Table 3).

Table 3 Structure Plan Growth Options and Rankings⁷¹

Option No.	Growth Option	Size	Rating
1	Maintain status quo		5
2	Development to the north of railway line:		
2A	Area 1: LDRZ north-west of town	99ha	3
2B	Area 2: LDRZ south west of town	71ha	0
2C	Area 3: Undeveloped R1Z (Cheriton Dve area) and C2Z in town centre	11ha	7
2D	Area 4: North east RLZ1 (Amess Road)	103ha	6
3	Area 5: South of railway	138ha	4
4	North and south of railway line		-3

7.2.1 MRRA request to Panel:

- Application of the UGZ not be supported for either Area 4 or 5.

⁶⁸ Council resolution, 18 December, 2013

⁶⁹ Macedon Ranges Shire Council Minutes, 18 December, 2013.

⁷⁰ Indicative Development Plan provided, page 13 of Part A, Riddells Creek Structure Plan

⁷¹ Structure Plan, at 6.1 Options page 59

- B. The need for additional land on a long-term basis be recognised.
- C. The Structure Plan's recommendations to apply a DPO and investigate appropriate zoning for the Amess Road area be supported.
- D. The DPO schedule include a statement that development will not be approved until a rezoning amendment process that includes approval of a development plan, has occurred
- E. Designation of land south of the railway as a Priority Development Area and its UGZ rezoning be abandoned.
- F. Clause 21.13-5 be revised to reflect the Structure Plan's recommendations, as below.

Riddells Creek Structure Plan Content	C100 Response
<p><i>"Priority Development Precinct</i></p> <p><i>This precinct is the focus for the majority of projected growth in Riddells Creek. A Development Plan Overlay is to be applied. Further investigations as to the suitable zoning and detailed layout of the area needs to be undertaken. A preliminary Indicative Development Plan is included at Figure 2-4."</i> 2.4.2 Residential development and housing</p> <p>[The Development Plan is not included in C100]</p> <p><i>"Undertake the strategic work to support the rezoning of land and apply the Development Plan Overlay to the Priority Residential Development Precinct."</i> 2.4.2 Residential development and housing Action 5</p> <p><i>"Investigate the suitability and costs for the development of the area south of the railway as a long term (20-30 years) 'Future Investigation Area'."</i> 2.4.2 Residential development and housing, Action 8</p>	<p><i>Strategy 1.2</i></p> <p><i>"Use the Urban Growth Zone and Precinct Structure Plans in priority growth areas to ensure that new development is staged to progress outward from the existing township, and is compatible with the existing town character."</i></p> <p>C100 includes this area as a Priority Development Area, and applies the Urban Growth Zone.</p> <p>(Explanatory Report #22)</p>

7.3 NRZ Neighbourhood Residential Zone

(Point 4, MRRA exhibition submission)

The Association strongly supports strategic application of the Neighbourhood Residential Zone, and believes the constraints, scale, built form and character of Riddells Creek justify this action. We submit that in the Limited Infill Precinct it is the best strategic response to Statement of Planning Policy No. 8, pending legislative protection, and State policy at Clause 11.05-2, Melbourne's Hinterland areas.

Concerns with C100's application of the zone include:

- a) A single zone schedule and development standards are applied across areas with different characteristics and character.
- b) A requirement for only a 3m dimension for private open space.
- c) Failure to include application requirements and decision guidelines in the zone schedule.
- d) Introduction of maximum heights is supported but C100 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. That application of NRZ in Riddells Creek be supported.
- B. That potential for additional schedules to better recognise differences within the NRZ7 area be considered.
- C. That maximum heights (and maximum dwellings on a lot) be specified in NRZ zone schedules.

7.4 **Special Use Zone**

(Point 24, MRRA exhibition submission)

Concerns included questionable execution in relation to the types of uses proposed, particularly “Accommodation” use above and beyond an aged care facility; and loss of commercial zoned land. It also appears a request has been made for Mixed Use Zone for this land.

Council response to MRRA (Submission 79, Response 4i): Key Issue G

Applying SUZ is consistent with Practice Note 3

The Settlement Strategy noted there is likely to be growth in industry and business within Riddells Creek to 2036, and identified 11.7 ha of vacant land in Business and Industrial zones (2.1ha IN1Z, **3.4ha B3Z** and 6.2ha B1Z), and as such, “there is ample supply to cater for the anticipated growth”.⁷²

The Association submits what isn’t clear is how ample that supply might be if the entire 3.4ha of C2 land is lost.

Residential rezoning has been unsuccessfully sought in the past. This is a valuable piece of land for the town under its existing zoning. If rezoning to change how the land can be used is contemplated, it is our submission that a great deal more care, thought and planning is needed about how it is used, and how it can be integrated with the town, than has been the case with C100. The Structure Plan says variously to encourage community and civic uses, and an aged care facility, but the proposed schedule goes beyond that. The rezoning is considered immature.

7.4.1 MRRA Request to Panel:

- A. The rezoning as proposed not be supported.
- B. Recommendations be made for a considered way forward which allows integrated forward planning for the land to occur, in consultation with the community.
- C. Mixed Use not be supported.
- D. That if rezoning is supported, consideration be given to rezoning only part of the land at this time.

⁷² Page 59, Riddells Creek ‘Implications’, Macedon Ranges Settlement Strategy

8 OVERLAYS

8.1 Design and Development Overlay 24

(Point 11, MRRA exhibition submission)

C100 converts the DDO's intended purpose from protecting the town centre and residential areas into a single focus on the commercial areas, leaving the GRZ3 residential area in particular to simply fend for itself. In the process it redefines the Structure Plan's 'town centre' into a small commercial hub, and rewrites the Structure Plan's Town Centre Design Guidelines, to provide maximum flexibility, by tying almost every requirement to "should".

Attachment 5

Council response to MRRA (Submission 79, Response 4b): Key Issue F DDO24

The Association submits that while the principle of applying a DDO to the commercial areas may well have merit, this DDO is poorly executed and essentially robs "Peter" to pay "Paul". This isn't the outcome the Structure Plan recommended.

8.1.1 MRRA request to Panel:

- A. Apply the Design and Development Overlay recommended by the Structure Plan as part of this amendment.
- B. Require DDO24 to be rewritten to include active language and provide stronger policy and requirements.

8.2 DPO Development Plan Overlays

(Point 20, MRRA exhibition submission)

C100 does not take up Structure Plan recommendations for application of Development Plan overlays, including investigation of DPO application near Mount Charlie Road.⁷³

Council response to MRRA (Submission 79, Response 4e): See Implementation Report, Item 4

Item 4 says the Mt. Charlie Road area was investigated but doesn't need a DPO - limited benefit as land is substantially developed and does not require further co-ordination.

Figure 14 shows Structure Plan recommendations for DPO and DCPO application,⁷⁴ including DPOs near Mount Charlie Road, and at Priority Development Area 4 (Amess Road). Neither are applied in C100: The first is "not required", and the second is proposed for UGZ.

⁷³ "Investigate the application of the Development Plan Overlay to the north east area of Mount Charlie Road (as shown in Figure 3-1)." RCSP 2.4.2 Residential development and housing, Action 6

⁷⁴ Discussion at pages 19 and 20, and Figure 3-1 Proposed planning overlays (page 22).



Figure 3-1, Structure Plan, page 22

Figure 14 Structure Plan recommendations for application of DPO and DCPO overlays

The Mount Charlie Road LDRZ area (highlighted in yellow, Figure 15) comprises larger lots than the LDRZ lots immediately south, the upper end size for this area being 2.5ha.⁷⁵ The exhibited 2ha LDRZ schedule reduced development potential, but post-exhibition reversion to 0.4ha provides for new, unmanaged development.



Figure 15 Mount Charlie Road LDRZ area (yellow) recommended for DPO application

C100 exhibition included a revised Figure 3-1 DPO and DCPO application which added a DPO to Priority Area 5 south of the railway (Figure 16). It is not clear why this plan was revised or exhibited, because none of the overlays shown are applied in C100, and the plan itself doesn't seem to have a place in the planning scheme.



Figure 16 Revised 'proposed planning overlays' exhibited with C100

⁷⁵ Precinct T in the Structure Plan's neighbourhood character study: allotment sizes between 1.5ha and 2.5ha.

8.2.1 MRRA request to Panel:

- A. That the purpose and relevance of the exhibited revised *Figure 3-1 DPO and DCPO application plan*, and its role in the planning scheme, be clarified.
- B. That a DPO be applied to (1) the Mount Charlie Road area and (2) the undeveloped area near Cheriton Drive, concurrent with a requirement for a Development Plan to be prepared with community consultation, prior to any development approvals.

8.3 **Environmental Significance Overlay Schedule 7 (ESO7)**

The Association supports application of ESO7, as exhibited, as a positive response to the need to recognise environmental constraints, and protect an essential service facility from the impacts of residential encroachment.

9 ZONE SCHEDULES

9.1 **Variation Of Rescode Standards In Zone Schedules**

(Part Point 1, MRRA Exhibition Submission) / (Point 2, MRRA Exhibition Submission)

The Association broadly supports variation of ResCode standards in zone schedules, but finds there are significant shortcomings and anomalies in what C100 proposes. High concerns are also held that variations in C100 are not reflective of or implementing the Structure Plan's findings but those of Council's Character Profiles.

9.2 **Variation Of Frontage Setbacks**

Although the Riddells Creek Structure Plan does not articulate distances for setbacks, it does emphasise existing 'generous' setbacks and support for this to continue. C100 seems to have similar issues with front setbacks as C98 did at Woodend, particularly with small front setbacks for greenfields development (i.e. vacant both sides). 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'.

Table 4 shows:

- A. ResCode defaults remain for the 'existing buildings both sides' and 'existing building / vacant' scenarios GRZ3 and GRZ4.
- B. Although the NRZ7 setback for houses both sides is varied to 15 metres, ResCode default of 9m remains for the 'existing building / vacant' scenario, and a 6m setback is specified for the 'vacant both sides' scenario.
- C. Varied front setbacks of 4m and 6m respectively are set for GRZ3 and GRZ4 'greenfield' or 'vacant both sides' scenarios.
- D. Corner frontage setbacks are not varied for any zones. ResCode 4m default applies on roads other than RDZ1.

Table 4 Exhibited C100 Front Setbacks

Precinct/Zone	C100 dwellings both sides	C100 dwelling one side, vacant other	C100 vacant both sides	C100 Corner
Town Centre Residential GRZ3	A3/B6 (A) 9m or avge of the 2 adjoining properties (lesser of)	A3/B6 (A) 9m or avge of the 2 adjoining properties (lesser of)	Varied (C) 4m (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
Garden Setting GRZ4 Modern Residential GRZ4	A3/B6 (A) 9m or avge of the 2 adjoining properties (lesser of)	A3/B6 (A) 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
Rural Bushland A, B, C NRZ7	Varied (B) 15m or avge of the 2 adjoining properties (lesser of) (A3/B6: 9m or avge	(B) A3/B6 9m or avge of the 2 adjoining properties (lesser of)	Varied (B) 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

The Association submits proposed variations provide almost no change from those in place today that have produced the out-of-character, suburban style outcomes in the town that the Structure Plan seeks to avoid. These are well shy of the 7.5m minimum setbacks required by the Shire of Romsey in these areas. Other than 15m for the 'existing buildings both sides' scenario, setbacks for NRZ7 make no sense at all, particularly the 6m 'vacant both sides' scenario. The mis-match of proposed variations is evident in **Table 5**, which compares Neighbourhood Character Profile findings for front setbacks, with setbacks proposed in zone schedules.

Table 5 Comparison of Neighbourhood Character Profile front setback characteristics with zone schedule variations

Precinct	Neighbourhood Character Profiles: Key Features	Proposed Zone Schedule Variations
Front Setbacks Modern Residential GRZ4	Average 6.9m. Generally 3 – 9m with considerable variation.	6m vacant both sides Default all other
Garden Setting GRZ4	Generally 6 – 9m, less than 3m some multi-dwelling	6m vacant both sides Default all other
Town Centre Residential GRZ3	Average 8m; generally 3-9m.	4m vacant both sides Default all other
Rural Bushland NRZ7	A Mostly over 15m; rarely less than 12m B Mostly over 15m, rarely less than 12m C Mostly over 20m; over 50m in places. Less than 15m on only a few sites.	15m or average of adjoining on both sides (lesser) Default 9m or same as existing dwelling on one side where vacant on the other 6m vacant both sides

9.2.1 MRRA request to Panel:

- A. Recommend setbacks be changed to be more sympathetic with existing character, particularly for greenfield situations, and in particular for the Rural Bushland character precinct.

9.3 Fencing and Canopy Trees

As with all of the current Structure Plan amendments, C100 relies upon MSS (21.13-5) Neighbourhood Character precinct strategies to manage fencing. These only say avoid fences over 1.2m in all precincts (GRZ and NRZ) and require post and rail or post and wire fences for Rural Bushland precincts (NRZ). These only come into play if a planning permit is required for single dwelling development. Zone schedules can only be varied to require canopy trees for multi-dwelling development.

Clause 21.13-5, at Further Strategic Work, includes investigation of applying a DDO to address fencing, as appropriate, but not for requiring canopy trees in single dwelling development.

The Association submits that failing to resolve these issues with effective controls in C100 is another deficiency of the amendment. Relying upon future work runs the risk of the work not being done at all. A single DDO schedule could address both issues, provide flexible implementation, and has been used for these purposes in other municipalities.

9.3.1 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 C100.

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

(Point 7, MRRA Exhibition Submission)

The Structure Plan, at 11 Implementation, C2 says:

“Require a planning permit to construct or extend one dwelling on lots between 300 and 500 square metres in the Residential 1 zone in the Riddells Creek Township area.”

C100 does not trigger a permit requirement for single dwellings and extensions on lots in this size range in the GRZ3 or GRZ4 zones.

The Association submits as there is no minimum lot size in the GRZ3 or GRZ4 zones, potential exists for single dwelling development and extensions on lots in this range across large areas of the town, with associated risks of character loss, including in areas identified as having high sensitivity. Specific management is indicated.

9.4.1 MRRA request to Panel:

- A. Include a variation requiring a planning permit for construction and extension of a single dwelling on lots between 300 and 500m² in the GRZ3 and GRZ4 zone schedules, as per the Structure Plan’s recommendation.

9.5 Lack of Application Requirements and Decision Guidelines

Despite introduction of new policy, C100 does not introduce any new application requirements or decision guidelines in zone schedules or Clause 21.13-3. The same omission occurred at Woodend, where Council considered zone header clauses are sufficient, and it appears this is also the case at Riddells Creek.

The Association submits that application requirements and decision guidelines in zone header clauses are applied State-wide, and are not Riddells Creek-specific. C100 does not include application requirements or decision guidelines specific to new policy in either zone schedules or Clause 21.13-5, which is no change from today.

9.5.1 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 21.13-5.

10 PROPOSED POST-EXHIBITION CHANGES

10.1 NRZ7 to GRZ4 Amess Road



Figure 17 Looking south from Amess Road across the NRZ7 area proposed for post-exhibition change to GRZ4

The Association submits there doesn't seem to be any strategic basis for this change, which seems to forego character protection. The character and constraints (e.g. the creek) in this area align more closely with NRZ7 zoning and 4,000m² subdivision size than GRZ4.

The inappropriateness of the Modern Residential character precinct is apparent in post-exhibition changes proposed to the Neighbourhood Character Profiles:⁷⁶

Lot Size	Highly variable; average 1,400 mostly between 800m ² and 2,000m ² . Below 300m ² in some multi-dwelling subdivisions; a few lots above over 2 7,000m ² in some areas east of Racecourse Amess Road.
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10.1.1 MRRA request to Panel:

- A. That the proposed post-exhibition change not be supported, and that the exhibited controls remain.

⁷⁶ Key Features: Modern Residential

10.2 Changed LDRZ Schedule

(Point 3, MRRA exhibition submission)

The Association noted the proposed change to 2ha minimum subdivision size in the LDRZ schedule, and that this apparently constituted sufficient “character protection” for these areas.

Council has responded to submissions by deleting the proposed 2ha lot size from the zone schedule, and will continue to rely on zone defaults.

This change leaves all land in the LDRZ – and NRZ7 – with 4,000m² minimum subdivision requirements (assuming unsewered LDRZ), and leaves the entire town with only no, or 4,000m², subdivision minimums.

The Association submits that, while acknowledging submitters’ concerns that a larger subdivision size would affect perceived development rights, this post-exhibition change is neither a strategic nor responsible response, particularly for the high fire risk LDRZ to the north of the town, which the Structure Plan identifies as a “Minimal Change” area.

The Shire of Romsey planning scheme applied 2ha subdivision restrictions as a strategic response to environmental and landscape issues in these areas.

10.2.1 MRRA request to Panel:

- A. Maintain the exhibited 2ha minimum subdivision size for the LDRZ area to the north, or consider alternative zoning (e.g. Rural Conservation) to better recognise constraints, environmental and landscape values, and the need to restrict growth in this area.

10.3 Riddells Creek Strategic Framework Map

(Point 22, MRRA exhibition submission)

The Map at Clause 21.13-5 is considered to not reflect either the Structure Plan or best practice. It provides no meaningful direction about the town’s strategic priorities.

Council response to MRRA (Submission 79, Response 4g):

“The Strategic Framework Map captures variations from the RCSP, as discussed under various Key Issues above.”

The Association submits the standard of Strategic Framework Maps in all three Structure Plan amendments is consistently poor, and consistently uninformative.

10.3.1 MRRA request to Panel:

- A. Require the Strategic Framework Map to be amended to include all relevant information.

11 CONCLUSION

The Association included a series of tables in its exhibition submission containing examples of where Structure Plan content was missing, weakened or changed in Clause 21.13-5.

We consider these examples are serious enough in their own right, but recognise they are also a consequence of deeper deficiencies in the amendment.

In our exhibition submission, we said:

While some individual elements of Amendment C100 might be supported – application of the Neighbourhood Residential Zone, Environmental Significance Overlay schedule 7 – the primary, over-riding flaw in Amendment C100 is that it is not implementing the Riddells Creek Structure Plan, and this cannot be overcome by addressing individual elements of the amendment.

This is confirmed by the fact that Council intends to not include the adopted Riddells Creek Structure Plan (or its Neighbourhood Character Study) as a Reference Document at Clause 21.13-5.

The Riddells Creek Structure Plan, while perhaps not perfect, took on the daunting task of producing an integrated, comprehensive, strategic means of accommodating high growth in this small town while protecting, preserving and enhancing the town's character and identity. These aims, these aspirations and actions aren't there in C100.

The Structure Plan's vision, principles, directions, strategies and actions are missing because the things needed to support them – the framework plans, the guidelines, policy, and overlays aren't there either. There's nowhere left in C100 for the Structure Plan to go.

The question then is, if the amendment isn't implementing the Structure Plan, what is it implementing, and where is the strategic justification for it?

And the next question then becomes, how well does C100 perform in terms of legislation to protect Macedon Ranges, and Riddells Creek?

The Association submits there is no strategic justification for this amendment, and on that basis it should fail.

11.1.1 MRRA request to Panel:

- A. That in the first instance, the Panel recommend Amendment C100 be abandoned.
- B. That in the second instance, if the Panel considers the amendment could move forward with changes, that the Panel take charge of the amendment, through an Interim Report.

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