

Presentation to Panel

Amendment C98: Woodend Town Structure Plan

Macedon Ranges Planning Scheme

Tuesday 8 March, 2016

Gisborne Shire Offices

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1 INTRODUCTION

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**.

Over time, the Association has taken a robust interest in planning issues at Shire and State level, and has campaigned for 15 years for re-instatement of State level planning protection for the Macedon Ranges, processes for which are now underway.

The Association supports the Woodend Town Structure Plan as an appropriate response in terms of State and local policy, the Macedon Ranges Settlement Strategy, protection of character, and community expectations for more certainty about growth and development. In terms of carrying the Structure Plan's "big picture" forward, Amendment C98 is supported. However, translation of the Structure Plan's finer detail raises concerns about loss of policy integrity and policy change in C98.

The Association made a relatively detailed submission to exhibition of Amendment C98, supporting some elements and asking for changes to others. Although some changes are proposed in response to MRRA's submission, other issues raised were either not addressed, or not addressed satisfactorily. We propose to raise these with the Panel.

In this presentation we provide some background information about Woodend's planning history and key planning considerations, summarise and cross-reference issues raised in our exhibition submission and address Council responses, and also address some proposed post-exhibition changes.

Planning and Policy Context

2 OVERVIEW OF PLANNING IN WOODEND

This overview is provided to offer some insights and deeper understanding of the town, which may assist the Panel in its deliberations on Amendment C98.

2.1 Beginnings

First settlement in Woodend pre-dates the 1850s Victorian gold rush (the oldest house ("Cheveley") dates from 1838). The original town, located and planned for with crown allotments to the north of the existing town, transferred to its current location after the railway opened in 1861.

The former Shire of Newham and Woodend first commenced preparation of a planning scheme in 1957, and operated under an Interim Development Order [IDO] from 1969 until 1978.

Figure 1 shows Woodend's IDO controls. Although simplistic, the IDO concurrently introduced planning permit requirements.

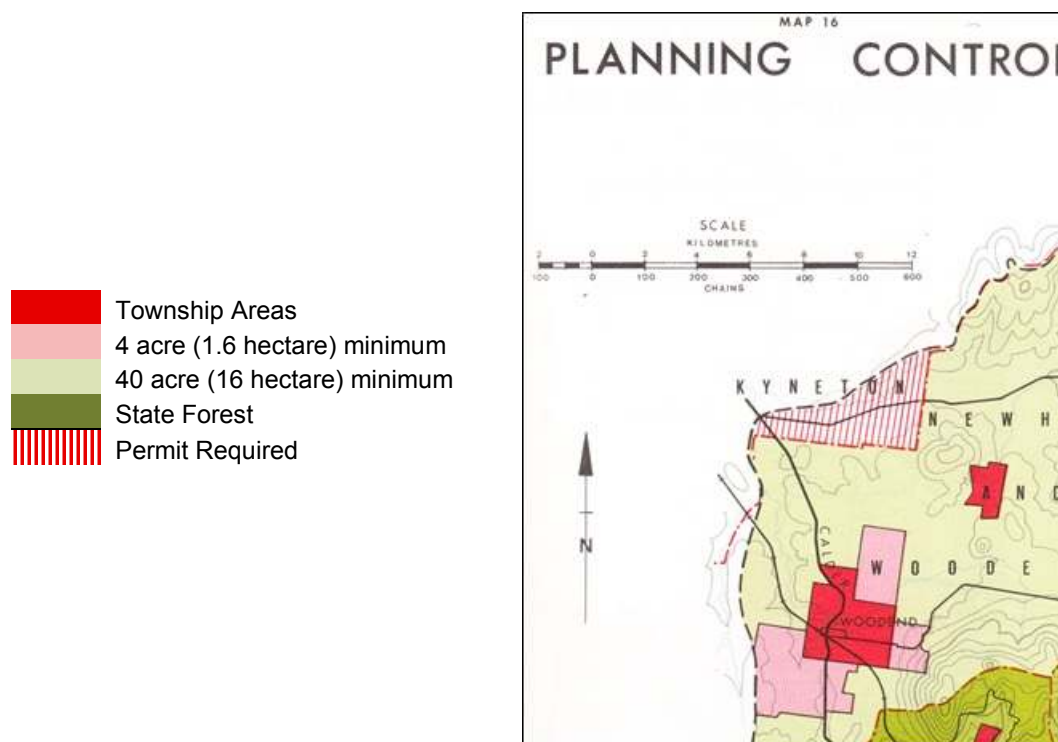


Figure 1 Newham and Woodend IDO planning controls ¹

The Shire of Newham and Woodend undertook substantial strategic work culminating in production of *Existing Conditions* and *Strategy Plan* reports ² in March and July, 1974 respectively. These reports underpinned the Shire's first planning scheme, which was exhibited in 1975, ³ and approved in June, 1978. At this time, Woodend's urban centre population (1976 census) was 1,404 persons. ⁴

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

The Macedon Ranges and their surrounds have been recognised for 40 years as an area with natural resource, landscape, conservation and recreation/tourism values that are important to the state of Victoria - and beyond.

The 1994 Macedon Ranges Cultural Heritage and Landscape Study found:

“The landscape encompassed within the [former] Shires of Gisborne, Romsey and Newham/Woodend is critical in the contemporary character of Australia.” ⁵

Approval of *Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds* [SPP8] by the then State government in 1975 applied State policy ⁶ to the Shires of Gisborne, Romsey, Newham and Woodend, and a small part of Kyneton. This policy introduced imperatives for protection of natural resources, landscapes, rural land and towns, and required their protection to be the primary concern (priority) in decisions. ⁷

¹ Town and Country Planning Board, October 1974: Map 16 Report of Studies for the Preparation of Statement of Planning Policy No. 8

² Scott and Furphy Consulting Group

³ Interim Development Order, Amendment 4, 20th January, 1976

⁴ ABS 2103.0 - Census of Population and Housing, 30 June 1981. Persons and Dwellings in Local Government areas and Urban Centres, Victoria

⁵ 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 Giffedder & Ass., Dr. Chris McConville & Ass., Juliet Ramsay, Gini Lee, Steven Matthews.

⁶ 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

⁷ Statement of Planning Policy No. 8, 1975: At 2, It Is Policy That... at 2.1

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

2.3 The First 'Woodend' Planning Scheme: 1978

Woodend's planning history includes some 25 years operating under a prescriptive planning scheme and State policy.

The first schemes for the Shires of Gisborne, Romsey, and Newham and Woodend contained Statement of Planning Policy No. 8 as over-arching policy, implemented through prescriptive zones, planning controls and subdivision sizes tailored to towns and rural land in each Shire.

The Newham and Woodend scheme proclaimed the Shire an "Area of Special Significance and Natural Beauty", and said:

*"The whole of the land within the boundary of this Local Section is an area of natural beauty or interest or importance and of special significance."*⁸

The scheme applied residential zones with different subdivision requirements. Almost all residential development was single dwelling. Revised controls for multi-dwelling development were inserted in 1994. Figure 2 shows residential zones as in place at 2000.

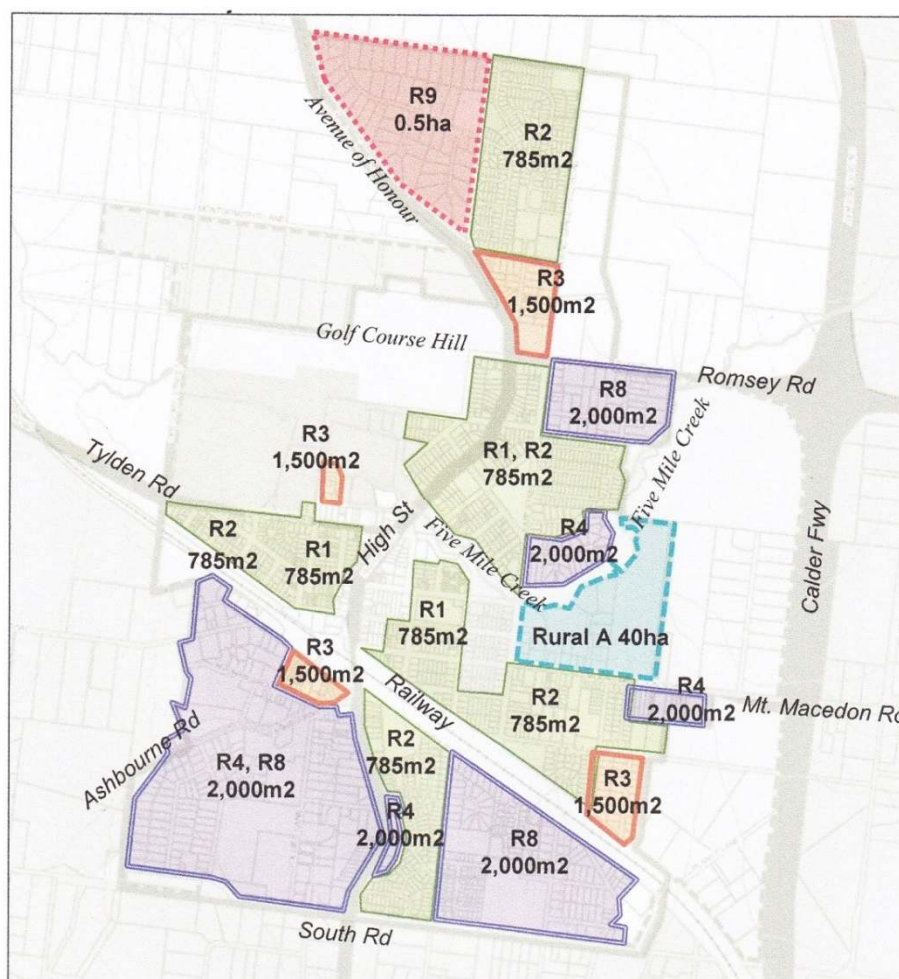







Figure 2 Newham and Woodend planning scheme: Residential zones

⁸ Part 1, Preliminary: clause 2, Shire of Newham and Woodend planning scheme.

	Residential A (R1) and Residential B (R2): 785m² <i>Use and development differed (R1 applied closest to the commercial core).</i>
	Residential C (R3): 1,500m² minimum lot size <i>Applied to four high visibility / interface areas</i>
	Residential D (R4) & Reserved Residential D (R8) : 2,000m² minimum subdivision
	Landscape Residential (R9): 0.5ha minimum subdivision. Now LDRZ (2,000/4,000 m2)
	Rural A (Lowlands) (RU1): 40ha. Rezoned RLZ1 (40ha) in 2006. Rezoned LDRZ (2,000 m ²) in 2013.

During the 1970s, 80s and 90s, these zones helped shape residential character, and distinctions in character, which, with heritage and environmental values, are evident in the town's character today. Development during this time can be distinguished from more recent development under VPP residential zones and ResCode. The Structure Plan's character precincts generally reflect both earlier, and these later, characteristics.

2.4 New Format Macedon Ranges Planning Scheme 2000

The new scheme replaced Woodend's policy context and prescriptive planning controls with generic, discretionary zones and default ResCode standards that do not have subservience to landscape, rural character and environmental sensitivities at their core.

These have resulted in a scale and type of development that jars with Woodend's character and environment, including more intense subdivision and unit development, smaller setbacks, vegetation removal, and broader landscape impacts through unsympathetic construction colours and materials: i.e. *metropolitan* (rather than *rural*) outcomes, strongly opposed by the community. These difficulties have been compounded by:

- 'Best fit' translation of former prescriptive schemes into the new format planning scheme.
- An incomplete planning scheme – panel recommendations not implemented, strategic work not done.
- 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, and the VPP system's inability to implement the policy's special requirements.
- Loss of local knowledge since Council amalgamations, and the VPP planning system, has led to loss of a 'protection' culture for this area at government and agency levels.
- Recent shifts in Council's strategic priorities from environment, to growth and economic development.
- Victoria In Future population projections, which reflect what *has* been happening, untempered by policy.

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

Woodend itself has had some ten years of intense lobbying from Davies Hill Pty Ltd ('Villawood'), for a variety of development scenarios (ranging from first reports of 1,000 to now 50 lots) for its speculative rural land purchase north-west of Woodend, at Golf Course Hill. This pressure continues today.

2.5 The Woodend Township Structure Plan

As the first strategic work for Woodend in over 40 years, the Structure Plan is critically important for the town, and the community which actively participated in the Plan's preparation (and its predecessor, the Macedon Ranges Settlement Strategy).

People live, love and visit Woodend because the town and its surrounds have an indelible identity that evokes an intimate and profound sense of place, belonging and ownership. Both the Settlement Strategy and Structure Plan recognise and respond to community values and concerns. The community broadly supports some on-going [natural] growth, and development, but wants it within the existing town boundary, and in a way which says "Woodend".

The Structure Plan provides answers about what, where, why, how and when that produce certainty about the town's future, and protection for the character and features deeply valued by residents and visitors. The Plan is welcomed, and comes with high community expectations it will be thoroughly implemented by this amendment.

3 PLANNING CONSIDERATIONS: GROWTH

3.1 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, saying ⁹ 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 VIF population estimates, and settlements in the Shire (except Riddells Creek) already had available zoned land to realise these population projections.

The Strategy: ¹⁰

- a) Did not include medium density development in land supply except at Kyneton.
- b) Omitted land supply in Rural Living zones for Kyneton, Malmsbury and Woodend (sewerage constraints). ¹¹
- c) Assumed *no growth* in the Shire's rural balance from 2006 out to 2036.

3.2 Macedon Ranges Settlement Strategy: Woodend

The Strategy's Woodend Study Area (Figure 3) included Rural Living Zone 1 and Rural Conservation 1 zoned land, both outside the town boundary. Neither were counted in land supply. Land in the Farming Zone located within the town boundary at Old Lancefield Road was not included in the Study Area.

⁹ at page 5

¹⁰ Methodology for residential land supply assessment is provided at Appendix 4 page 1.

¹¹ Sewerage constraints - all are located in a Special Water Supply Catchment.

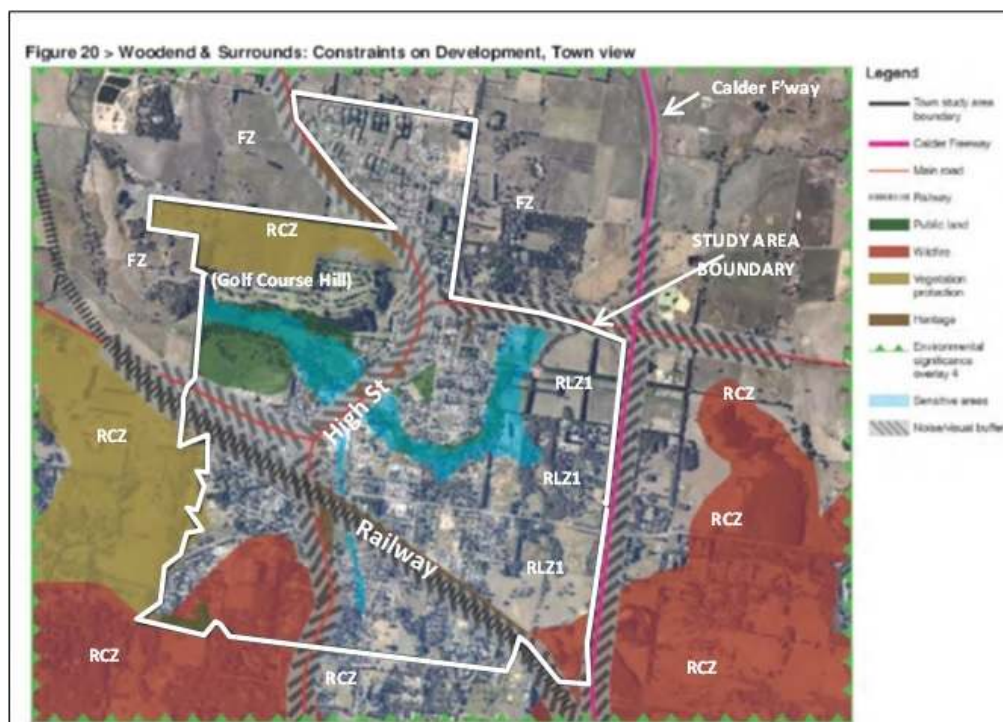


Figure 3 Woodend Study Area, Macedon Ranges Settlement Strategy (2011)

Of Woodend, the Settlement Strategy said:¹²

“Woodend is placed on a modest growth path, with limitations relating to flooding, native vegetation and wildfire risk. Community concern about the character impacts of significant growth at Woodend is consistent with the expert landscape evidence,¹³ which suggests that large scale peripheral development would undermine that character. The Strategy supports Woodend’s role as a tourism town.” [emphasis added]

Figure 4 shows the Settlement Strategy’s recommended 2036 population projections¹⁴ for Woodend.

It is important to note that the Settlement Strategy’s 2006 and 2036 population figures relate to its *Study Areas*, which included all surrounding Rural Living and other zones - much bigger areas, and populations, than the towns alone.

Figure 4 Recommended Population Projections 2006 – 2036 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
	Ashbourne	320	320	0	0	0
Rural Settlements	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

¹² At 4, Summary Recommendations, page 73

¹³ The “expert landscape evidence” refers to the 2010 Shire-wide draft Township Character Assessment by Aspect Studios, used in the Settlement Strategy but not formally adopted by Macedon Ranges Council.

¹⁴ Page 3, Table 1, Macedon Ranges Settlement Strategy 2011

Based upon a *Study Area* population of 3,700 in 2006, the 'town' could grow to 5,000 by 2036, an increase of 1,300 people, in the *Study Area*. The estimated lot supply needed to accommodate this growth was 530 lots (520 lots available).

The Settlement Strategy concluded that:

- Woodend's lower end lot supply of 520 lots¹⁵ could accommodate recommended growth out to 2036.
- Upper end lot supply potentially yielded 1,230 lots.¹⁶
- No further greenfield land was required out to 2036.¹⁷
- Woodend was a District Town in 2006¹⁸ and would remain a District Town in 2036¹⁹ (i.e. population between 2,000 and 6,000²⁰).

Amendment C84 inserted the Settlement Strategy's findings into the Macedon Ranges planning scheme. Arguments about population numbers and "locking the town up" from those with a keen interest in growth led the C84 Panel to recommend numbers be replaced with population ranges, and settlement hierarchies.

Figure 5 shows the current (C84) Table 1 at Clause 21.04 Settlement updated to a 2011 starting point. Woodend remains a District Town in 2036, which has a settlement hierarchy population ceiling of 6,000.

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 Guim, Malmesbury			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 5 Clause 21.04: Table 1, Settlement Hierarchy Vision, Macedon Ranges (post-C84) Planning Scheme

For commercial and industrial land, the Settlement Strategy²¹ found:

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

¹⁶ Appendix 4, page 20, Macedon Ranges Settlement Strategy 2011

¹⁷ Page 70, Macedon Ranges Settlement Strategy 2011

¹⁸ Page 20, Figure 3, "Existing Settlement Hierarchy", Macedon Ranges Settlement Strategy 2011

¹⁹ Page 6, Figure 1, "Recommended Future", Macedon Ranges Settlement Strategy 2011

²⁰ Page 18, Table 2, "Settlement Hierarchy Definitions", Macedon Ranges Settlement Strategy 2011

²¹ Extracted from 'Evaluation of the Economic Role of Woodend' Appendix 3, pages 19 and 20, Macedon Ranges Settlement Strategy

- a) A need for additional commercial land in the order of 0.7 – 1 ha by 2036, which may be able to be accommodated at the rear of the existing strip shopping centre.
- b) An additional 12ha of industrial land needed by 2031 could be expected to be accommodated at Kyneton, and together with the potential lack of fit between the tourist role of Woodend and industrial uses, it was not expected Woodend should re-zone any additional land for industrial use.

The Structure Plan subsequently determined an additional 1.1ha of commercial land and 6-8ha of industrial land may be needed out to 2029. Amendment C107 provides that long-term future commercial land (1.2ha).

The Structure Plan reviewed Settlement Strategy population findings with 2011 census data, and found existing town land supply sufficient for the next 18 – 19 years.²² Latest land supply information (Shipp, 2015)²³ concludes there is capacity in vacant and under-utilised lots to meet demand for between 15 and 18 years (517 lots, with an 'upper end' supply of 1,239 to 1,405²⁴ lots).²⁵

This Panel will inevitably hear arguments about the Structure Plan and C98 'limiting' growth and development.

In response, **the Association requests** the Panel consider:

- a) Exclusion of medium density housing development in Settlement Strategy, Structure Plan and latest future land supply assessments, but inclusion of medium density building approvals in calculating lot demand.
- b) A 'live' permit for a retirement village on 12 ha of Rural Living Zone 1 land south of Mt. Macedon Road, with plans announced in late 2014 for 300 resort-style villas and apartments.²⁶
- c) The moderate historical uptake of land in Woodend - the physical land supply within the township boundary is almost the same as originally zoned for residential development in 1978.
- d) High "churn" rates in Woodend (shown in **Figure 6**) which provide opportunities for people to 'buy into' the town without new residential development.

Woodend Township - Towns In Time: "Churn" Rates²⁷ over 30 years					
Census	Total population	Same address 5 years before		Not at same address 5 years before	Unoccupied Private Dwellings
<i>Year</i>	<i>No.</i>	<i>No.</i>	<i>%</i>	<i>%</i>	
1981	1,808	807	44.6%	55.4%	8%
1986	2,244	1,081	48.2%	51.8%	8%
1991	2,766	1,235	44.7%	55.3%	7%
1996	2,994	1,527	51.0%	49.0%	9%
2001	3,038	1,636	53.8%	46.2%	8%
2006	3,087	1,656	53.6%	46.4%	9%
2011	3,389	1,698	50.1%	49.9%	10%

Figure 6 Woodend "Churn" Rates, 1981 - 2011 (Towns In Time, 2011 - Woodend)²⁸

²² Woodend Town Structure Plan, page 21, Residential Land Supply, based on a 20% discount rate, and excluding constrained land, and infill through subdivision of existing developed lots from smaller Structure Plan lot sizes.

²³ (Residential Land Demand and Supply, Paul Shipp, Urban Enterprise Pty Ltd, 2015)

²⁴ Including subdivision of land under Neighbourhood Character Precinct lot sizes

²⁵ excluding medium density housing, and Farming Zone within the town boundary.

²⁶ Prestige Lifestyle Estates P/L and Woodend Estates P/L

²⁷ Includes internal and external "churn"

²⁸ Towns In Time: enumerated population (includes visitors on census night).

3.3 State & Local Policy Context

As Council demonstrated yesterday, State and local policy repeatedly sets imperatives for protection of character and environmental values in peri-urban areas, Metropolitan Melbourne's hinterland, the Loddon Mallee region, this Shire, the Macedon Ranges, and Woodend. None set Woodend on a growth path.

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

The Plan (and SPPF Clause 11.2) places Woodend into the category "Towns and Rural Centres" which have a "Smaller population and employment base providing localised services to rural and commuter communities".²⁹

There is support for the Structure Plan's and C98's direction:

*"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, but also presents opportunities for tourism and other economic diversification in the region. Communities in these areas value their natural environment highly and want to see it protected from inappropriate development."*³⁰

*"Minimise the impacts of land use change and development on areas with significant environmental assets."*³¹

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'."*³²

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 relevant to Amendment C98:

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:

²⁹ Chapter 13.1 Loddon Mallee South urban settlement, Map 9 (page 41)

³⁰ Loddon Mallee South Regional Growth Plan, 12 Environment and heritage Page 32

³¹ Future Directions at Principle 6, Protect and enhance our natural and built environment, Loddon Mallee South Regional Growth Plan, page 19

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

- “The preservation of landforms and geological features of special scientific or educational value.”
- “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...”

3.4 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) Substantial existing residential land supply in Gisborne, and land supply at Romsey, which both operate under Outline Development Plans approved in 2012;
- b) Sufficient existing zoned land within the Shire to accommodate growth in all towns except Riddells Creek³³;
- c) Residential land supply at Malmsbury and Lancefield exceeds that required for growth to 2036.
- d) Additional growth opportunities identified at Tylden;
- e) Potential for creation of up to 700 lots (discounted to 574 lots)³⁴ under existing planning controls in existing Rural Living zones; and
- f) On-going approval of dwellings in the ‘rural balance’, despite the Settlement Strategy’s ‘no growth’ scenario (another 3 approved 25 February, 2016).

In addition, Amendment C110 (rural living review),³⁵ affects some 12,000 hectares and proposes:

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

In addition, Council’s “*In The Rural Living Zone*” report, which underpins C110:

- j) Supports removal of existing Section 173 agreements from primary lots created in past subdivisions to allow additional subdivision;

³³ Macedon Ranges Settlement Strategy

³⁴ In The Rural Living Zone, Macedon Ranges Shire Council, September, 2015 (Amendment C110)

³⁵ Amendment C110 implements the “In The Rural Living Zone” report, Macedon Ranges Shire Council, September 2015

- k) Sets a requirement for maintaining a 30 year supply of rural living zoned land in the Shire (additional to land supply in the towns); and
- l) Proposes review of rural living land supply within 3 – 5 years to maintain a “finite” 30 year land supply.

In addition:

- m) Amendment C99 at Kyneton identifies around 180ha of Farming Zone as “Future Urban Growth”, plus around 43ha as “potential future low density residential areas” (additional to 24ha of existing undeveloped LDRZ);
- n) Current Amendment C102 rezones 13ha of Farming Zone at Kyneton to (sewered) LDRZ;
- o) Amendment C100 at Riddells Creek proposes to rezone some 250 ha of Rural Living Zone 1 to Urban Growth Zone (double the area the town’s Structure Plan identifies for future growth); and
- p) 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:

- Exceed planned growth in the Macedon Ranges Settlement Strategy, and represent accelerated growth;
- 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.

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 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.

4 ADDITIONAL PLANNING CONSIDERATIONS

Clause 21.13-3 lists Further Strategic Work to address environmental, administrative and heritage issues. However, as decisions will be made about C98 before that work is available, the Association feels it would be beneficial to raise concerns and provide information on some of these issues at this time.

4.1 Fire

Woodend is included in the Victorian Bushfire Risk Register as one of the worst fire risk towns in Victoria, and has been identified (with Macedon, Mt. Macedon, Riddells Creek and Bullengarook) as an EXTREME fire risk area. Nine schools, kindergartens and child care facilities in the Woodend area are included on the Bushfire At-Risk Register (i.e. at highest risk from fire danger) and required to close on Code Red days. The Bushfire Management Overlay, which identifies areas at highest risk of bushfire, is applied to land within the Woodend town boundary.

Figure 7 shows substantial application of BMO to the south of Woodend extending from around East Trentham (west); to the Shire boundary (south); and across Mount Macedon to Riddells Creek (east).

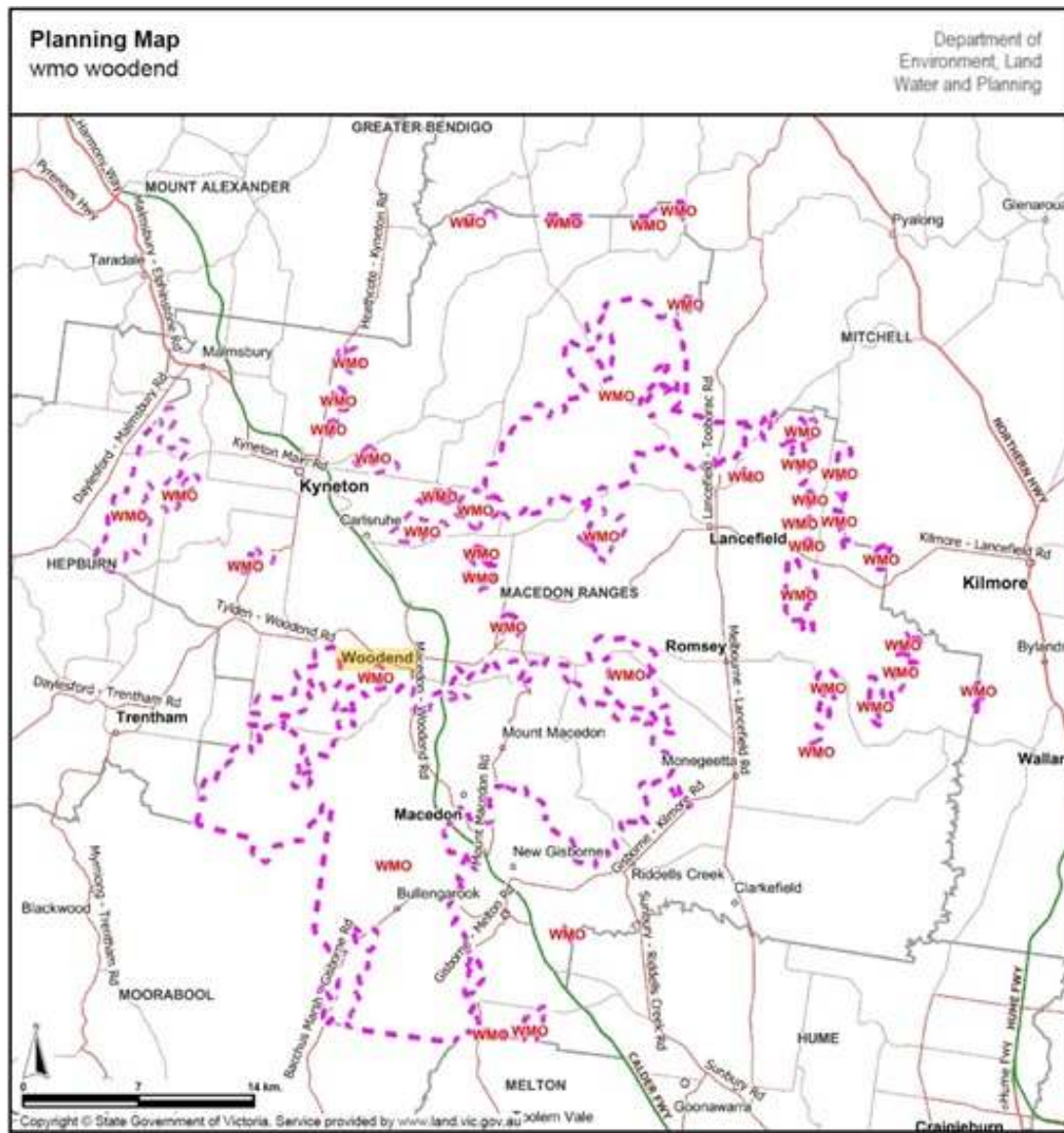


Figure 7 Bushfire Management Overlay application (pink dotted line): Macedon Ranges Shire

Fast-moving grassfires are a high risk but the highest risk is potential for a catastrophic “well-fuelled” fire from the extensive forested areas generally south and south-west of the town.

Figure 8 shows grassfire and bushfire threat areas around Woodend, and notes:

“Severe bushfire activity can also occur outside the threat areas. Spot fires can start, move quickly and come from many directions. Fires can be uncontrollable, unpredictable, and very fast moving.”

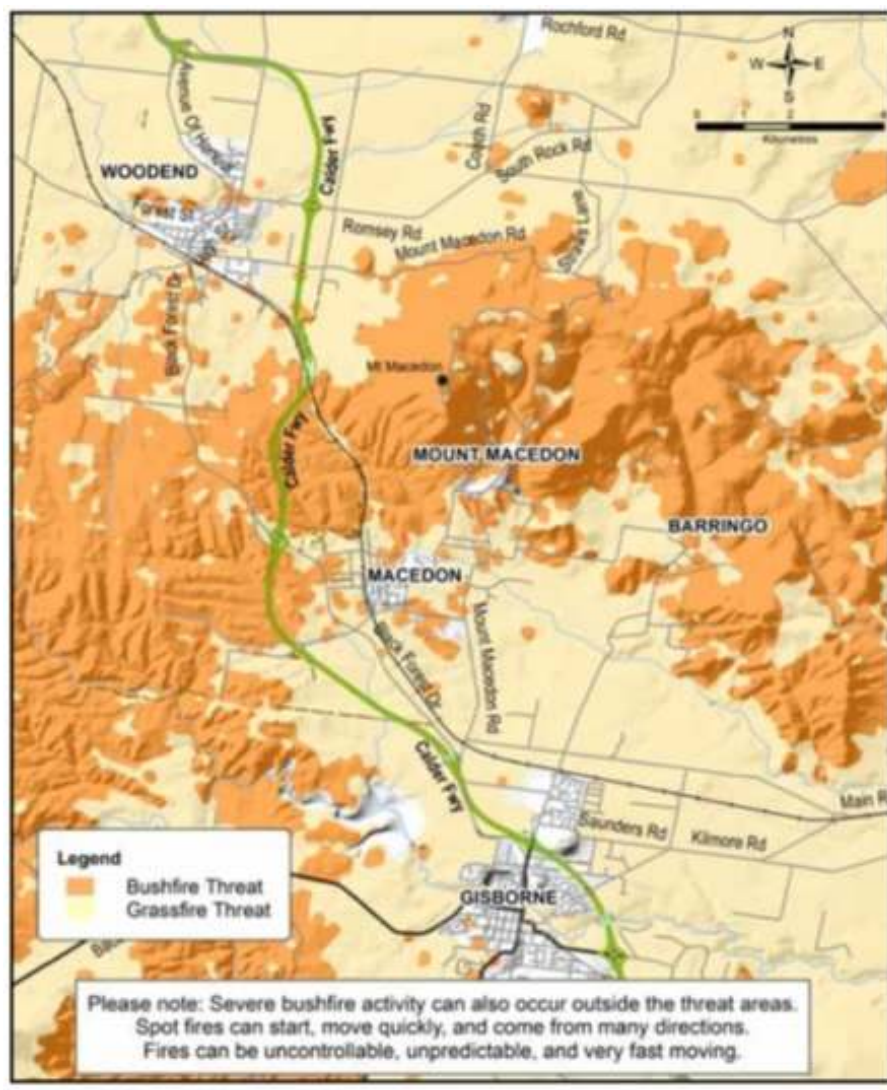


Figure 8 CFA Community Information Guide: bushfire and grassfire risk for Woodend (top left)

Serious fires have included Ash Wednesday (1983); the 1998 'Springhill' fire – houses to the south lost in both); and a January 2009 fire west of the town which threatened the township proper.

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."*

The Woodend Structure Plan recognises the Bushfire Management Overlay south of Ashbourne Road, inside the town boundary, and directs growth to 'lower risk' areas within the town. However, 'lower risk' isn't defined.

The Association submits that in the context of growth (and growth pressures) in a town with extreme fire risk, consideration of risk at a landscape scale, rather than on a site-by-site or neighbourhood scale, is necessary. Given the town's extreme fire risk, and in the absence of landscape scale assessment, State policy relating to prioritising protection of life and property over other policy considerations, and applying the precautionary principle, must be applied rigorously in growth deliberations for Amendment C98.

4.2 Flooding and Drainage

The Newham and Woodend planning scheme applied a Rural A (Lowlands) zone *"to confine development to uses which are compatible with areas which are poorly drained or subject to flooding"*, but that zone and the issues it represented were not carried forward into the new format scheme.

The new format planning scheme Advisory Committee's 1999 report recommended an SBO be applied to areas known with overland flow and drainage problems, prior to any subdivision.³⁶

Minister for Planning, John Thwaites, upon approving the new format scheme in 2000, 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]

As SBO and floodway (and other) overlays have not been applied in the Shire, the existing Land Subject to Inundation overlay in Woodend does not necessarily reflect the true nature or extent of flooding.

In 2004, the Association wrote to the then CEO of Macedon Ranges Shire, providing mapping and photos illustrating the extent of flooding/drainage issues not resolved in the planning scheme for Woodend, asking if this could be addressed by Council.

The map at **Figure 9** is an extract of the material MRRA forwarded to the CEO - on an information rather than scientific basis – showing Land Subject to Inundation and Rural Floodway overlays³⁷ exhibited in 1997 but not included in the approved scheme, and other problem areas reported during the Woodend Bypass process.

The extent of the existing LSIO, which derives from the Woodend Township Drainage Study 1997³⁸, is shown in green. That Study's recommendations for a flood study of the Slatey Creek catchment, west of the town, and duplication of the main drain through the town's commercial area, have not yet been implemented.

³⁶ Recommendation 15, After Adoption, 1999 New Format Advisory Committee Report

³⁷ based on Rural A zoning and 1974 Strategy Report flooding data prepared in 1974 by Scott and Furphy

³⁸ Coomes Consulting

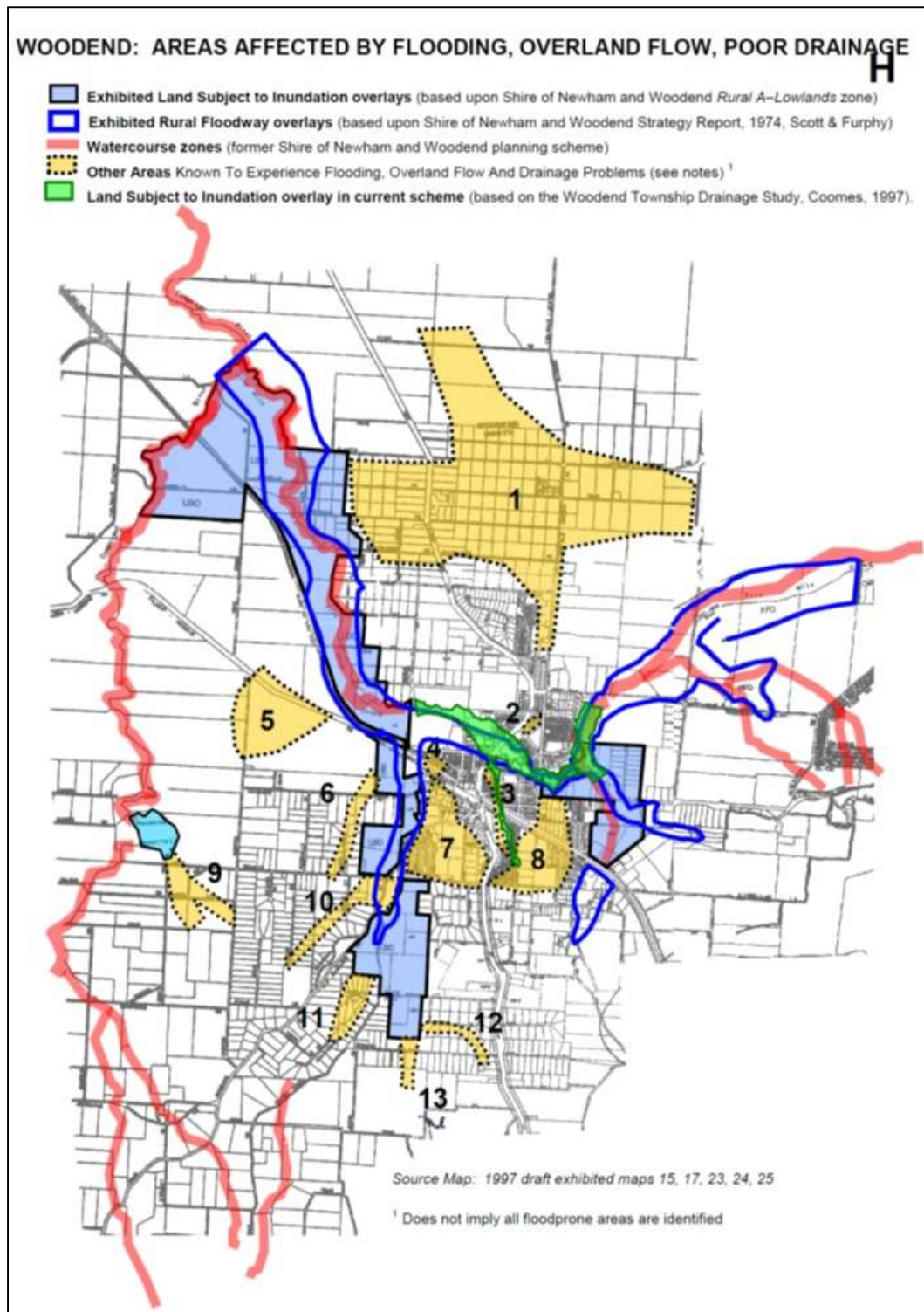


Figure 9 An overview of flooding issues in Woodend, as provided by MRRA to Macedon Ranges Council, 2004

4.3 The Shire's Heritage Overlays

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

Heritage overlay anomalies led the new format Advisory Committee to make recommendations³⁹ for errors to be corrected and affected owners notified before adoption:

³⁹ Recommendations # 2 and #3, Prior to adoption

- 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.⁴⁰

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 1.⁴¹ 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.

4.4 Macedon Ranges Cultural Heritage and Landscape Study 1994

The Study identifies Woodend's overall township landscape unit (T03) as of Regional / Local Significance⁴², and five heritage precincts within the town:

- Corinella Rd Woodend Residential⁴³
- Forest St Woodend Civic & Ecclesiastical⁴⁴
- Woodend High St Commercial & Civic⁴⁵ *Regional significance*
- High St Woodend 20th Century Residential / Woodend High St Residential⁴⁶
- Woodend Residential (Jeffrey St)⁴⁷

The Woodend High Street Commercial & Civic precinct⁴⁸ had been researched and recommended for initial planning scheme protection, with the Woodend High Street Residential precinct "*requiring further research*". Amendment C33 (2012) applied an HO to part of Woodend's High Street commercial area. The Historic Residential precinct (NRZ2) appears related to the Study's Jeffrey St precinct, and may also relate to the Study's High Street Residential precinct.

4.5 Location Within A Special Water Supply Catchment

All of Woodend and its surrounds are within the Lake Eppalock Special Water Supply Catchment. This means water that runs off from the town is used as drinking water for Bendigo. Growth within the catchment has potential to impact both water quality, and the quantity of water available for public supply.

⁴⁰ Recommendation 4, After adoption

⁴¹ Amendment C33 Explanatory Report

⁴² Macedon Ranges Cultural Heritage and Landscape Study: Rankings - page 9 App 2, Volume 2; Township Unit – page 135, Volume 2

⁴³ Volume 4 Part C, Appendix 1, page 120; Volume 1, Appendix 3A, page 6 Local significance

⁴⁴ Volume 4, part C, Appendix 1 page 159

⁴⁵ Volume 4, Part A, page 360; Volume 1 Appendix 2B, page 7; Volume 1 Appendix 3A, page 7).

⁴⁶ Volume 4 Part C, Appendix 1, page 24; Volume 1 Appendix 3B, page 19 and 21 Local significance

⁴⁷ Volume 4, part C, Appendix 1 page 239; Volume 1 Appendix 3, page 21 Local significance

⁴⁸ At Volume 1 – Recommendations, page 52.,

4.6 Black Gum

Black Gum (*Eucalyptus aggregata*) occurs only in New South Wales and at Woodend, where it has State conservation significance, and is listed as “endangered” on the Flora and Fauna Guarantee. VPO1 is applied to Black Gum sites, based upon 1994 mapping for the Black Gum Management Plan (Yugovic).

On 17 November, 2015, Black Gum was listed under the Environment Protection and Biodiversity Conservation Act as “vulnerable” in Australia under Criterion 2⁴⁹ “Geographic distribution is precarious for either extent of occurrence and/or area of occupancy”. It is “severely fragmented in Victoria”. There were 1,000 trees in Woodend in 1994. Black Gum sites relative to C98 residential precincts / Future Investigation Areas are shown in Figure 10.

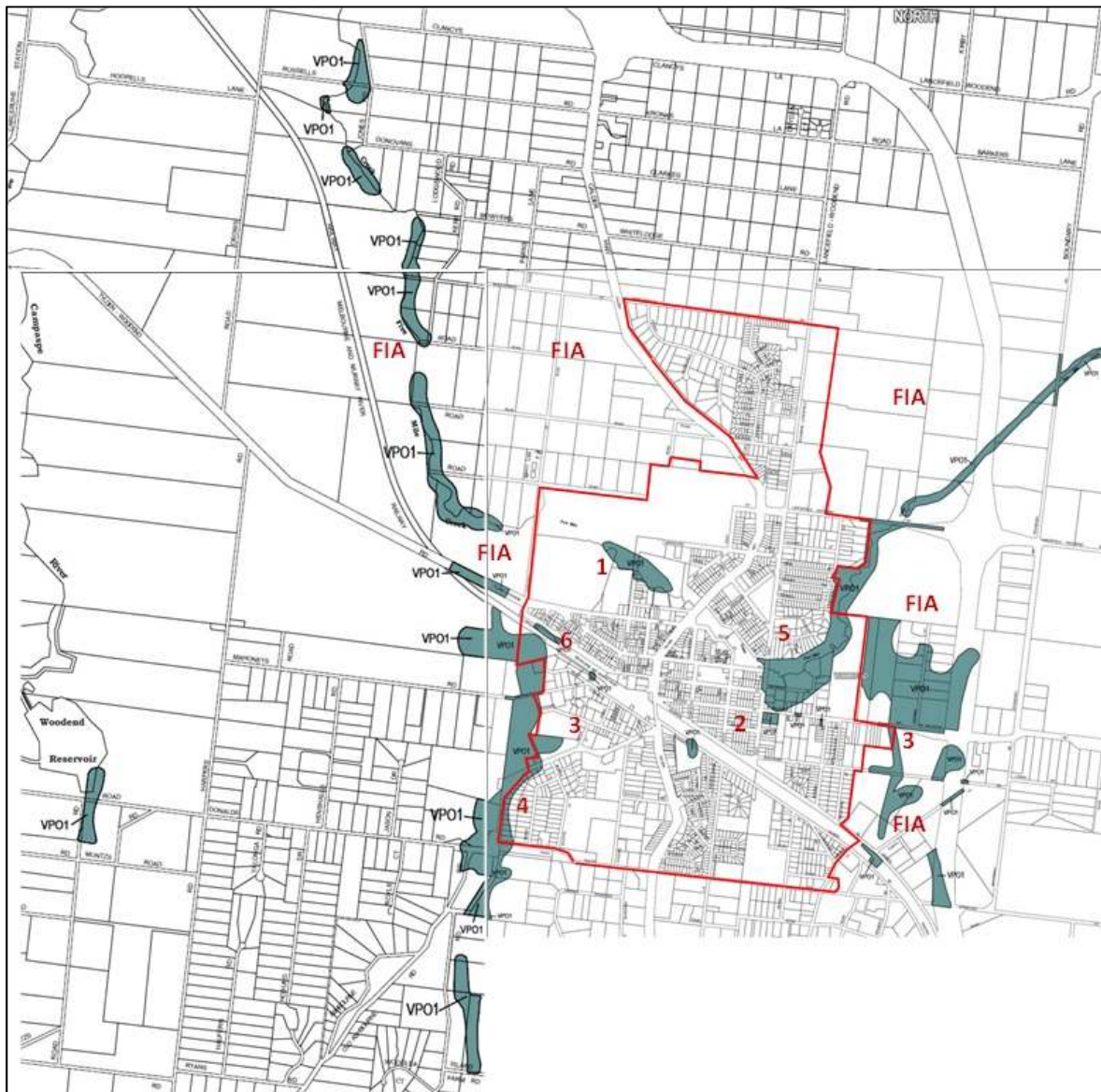


Figure 10 Distribution of Black Gum within and outside the Woodend town boundary

- 1 NR22 (600 sqm) 2 GR22 3 NRZ4 (800 sqm) 4 NRZ5 (2,000 sqm) 5 LDRZ
6 PUZ4 / proposed NRZ6 (1,200 sqm) FIA Future Investigation Area

The Association submits that these trees and their habitat (typically creeks, drainage lines and ‘soggy’ areas), are a major planning constraint and, due to the recentness of the EPBC listing, this issue may not have been sufficiently addressed in the Structure Plan or C98. For example, GR22 (#2) is applied to a Black Gum site.

⁴⁹ Insufficient data to determine eligibility under Criterion 1, 3 and 5.

Amendment C98

5 ZONES

5.1 Application Of The Neighbourhood Residential Zone

(Part Point 1, MRRA Exhibition Submission)

This action is strongly supported. **The Association submits** that application of the NRZ is justified:

- a) In a small rural town with a 'modest' growth scenario; environmental, bushfire, landscape, character, rural interface and flooding constraints; and low-scale, low density, predominantly single dwelling development.
- b) As the best available zone response to Statement of Planning Policy No. 8, and pending legislative protection.
- c) In terms of Practice Note 78 *Applying the residential zones*, and State policy at Clause 11.05-2, *Melbourne's Hinterland areas*:

"Provide for development in selected discrete settlements within the hinterland of Metropolitan Melbourne having regard to complex ecosystems, landscapes, agricultural and recreational activities in the area."

"Maintain the attractiveness and amenity of hinterland towns."

"Site and design new development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards such as bushfire and flooding."

"Strengthen and enhance the character and identities of towns."

5.1.1 MRRA request to Panel:

- A. That application of NRZ in Woodend be upheld.

5.2 Designated Medium Density Development Areas: GRZ2 Township Residential Precinct

(Point 6, MRRA Exhibition Submission)

Designation of medium density development areas provides greater certainty and was/is supported. However, designation of two sensitive gateway locations (shown in red on Figure 11) is considered to conflict with the Structure Plan's emphasis on protecting gateways, and exhibited Strategy 3.3, *"Maintain larger lots along town entrances with large landscaped setbacks"*. The Association requested specific policy or a DDO to maintain larger lots and large landscaped setbacks and mitigate impacts from medium density development in these locations.



Figure 11 Location (a) Tylden Road (Forest St) – western gateway (top) and location (b) Black Forest Drive (right) – southern gateway
*Macedon Ranges: an **ENDANGERED** environment*

- a) **Figure 12** South of **Tylden Road/Forest St**, opposite Woodend racecourse, with RCZ1 and town boundary to the west, and Historic Residential precinct to the east. It is not 'close to the town centre'.



Figure 12 Western gateway: entering Woodend from the west (Tylden Road / Forest St), looking east towards the town centre.

- b) **Figures 13, 14, 15** Eastern side of **Black Forest Drive**, south of Quarry Road. Views east to Mt. Macedon.



Figure 13 Southern gateway: Black Forest Drive, looking north towards the town centre (long view).



Figure 14 Southern gateway: Black Forest Drive, looking north towards the town centre (Ashbourne Road intersection).



Figure 15 Ashbourne Road and Black Forest Drive intersection, looking east across the designated medium density area. Mt Macedon in the background

Council responded (response #7)

"No change. Not recommended by the Structure Plan. Policy proposed under Objective 8 is considered sufficient."

The Association submits Council's response overlooks the Structure Plan's emphasis on protecting town gateways, and views to Mt. Macedon. Objective 8 (proposed 9) is not considered adequate to produce appropriate outcomes for these areas.

5.2.1 MRRA request to Panel:

That additional specific policy, or a Design and Development Overlay, or the Neighbourhood Residential zone, be applied to ensure low scale outcomes in these sensitive gateway locations.

5.3 Industrial 1 to Industrial 3 Rezoning (Wood Street area)

(Point 9, MRRA Exhibition Submission)

IN3 rezoning was supported as more compatible with existing residential uses and improved capability to manage use and development. C98's reversal of the Structure Plan's policy direction for IN3 was not supported.

At page 40, the Structure Plan recognises *"It is important that the industrial areas do not allow for retail or bulky goods sales that compete with the retail core"* and recommends:

Retain this Industrial 3 area as a light industrial / service industrial area;

Encourage a service business role; and

Implement a policy to prevent retail or bulky goods sales in this area. ⁵⁰

Exhibited Strategy 6.3 instead identified a service business role (restricted retail), including bulky goods, for this area. The Association requested exhibited Clause 6.3 be changed to implement the Structure Plan findings.

Council response to MRRA (Submission 76, Response # 11):

At Key Issue H *Restricted retail within the Industrial 3 Zone*, Council says:

⁵⁰ Page 44, Industrial activity, Dot Point 1, Woodend Town Structure Plan

"The intent of the policy is to provide for retail uses that cannot easily locate in the retail core, including, but not limited to restricted retailing (e.g. including trade supplies and landscape gardening supplies). [emphasis added]

These uses provide important services to the community. Given the important economic function of bulky goods and the fact that there are no other suitable locations within Woodend to allow bulky goods sales, it is necessary to allow some bulky goods sales from the INZ3 area." [emphasis added]

Council proposes the following post-exhibition change:

ADD Strategy 6.2

Maintain the Commercial 1 Zone as the focus of retail and commercial activity in the town centre, and avoid retail within the Industrial 3 Zone that will undermine the viability of the town's commercial core.

AMEND Strategy 6.3

~~Support a service business role (restricted retail) within the Industrial 3 Zone and:~~

Within the Industrial 3 Zone:

- ~~• Avoid retail that will undermine the viability of the town's commercial core~~*
- Support retail uses that cannot easily be accommodated within Woodend's retail core due to their large floor area requirements for the handling, display or storage of goods.*
- Require design outcomes that respect and improve the interface with surrounding non-industrial uses by providing a transition in height to the surrounding non-industrial properties.*

The Association submits:

- a) The Structure Plan wants policy implemented to prevent retail or bulky goods sales in the INZ3.
- b) The post-exhibition change deletes "restricted retail", but the intent to support retail remains.
- c) A need for bulky goods, retail or restricted retail activities in the Woodend INZ3 has not been established. Kyneton is the Shire's major industrial centre, and has over 150ha of Industrial 1 zone *and* 23 ha of Commercial 2 zone, where restricted retail can occur.

5.3.1 MRRA request to Panel:

- A. Replace exhibited Strategy 6.3 / post-exhibition Strategies 6.2 and 6.3 with the Structure Plan's recommendation:

"Support a light industrial /service industrial role within the Industrial 3 Zone and:

- Avoid retail and bulky goods sales in this area to protect the viability of the town's commercial core.*
- Require design outcomes that respect and improve the interface with surrounding non-industrial uses by providing a transition in height to the surrounding non-industrial properties."*

6 ZONE SCHEDULES

6.1 Amended Low Density Residential Zone Schedule

(Point 7, MRRA Exhibition Submission)

The Association strongly supported setting a larger minimum subdivision area in the LDRZ schedule.

Two LDRZ areas (northern and eastern) are within the town boundary (Figure 16). The northern LDRZ area is unsewered. Both are located on important, high-visibility (Road Zone) gateways, and both interface with rural zones.

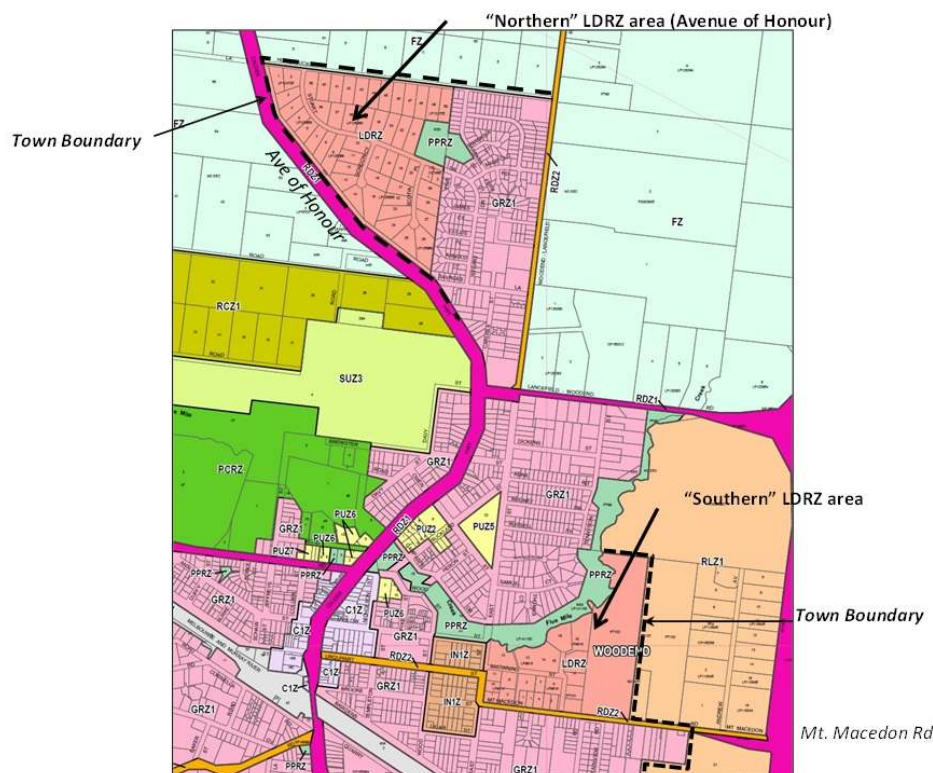


Figure 16 Low Density Residential Zone areas in Woodend township

- a) **The northern LDRZ** has the State-significant Avenue of Honour as its western boundary, and is wrapped by the town boundary and Farming Zone to its north, and west. Originally zoned Landscape Residential (5,000 sqm)⁵¹, lots along the Avenue of Honour frontage are up to 1ha in size.
- b) **The eastern LDRZ** fronts Mt. Macedon (tourist) Road. Originally zoned Rural A Lowlands, translated to Rural Zone in 2000⁵², rezoned Rural Living 1 (40ha) in 2006⁵³ and rezoned LDRZ in 2013.⁵⁴ The land abuts the town boundary and Rural Living Zone 1 to the north and east. Five Mile Creek and an LSIO form the northern/western boundary. A drainage easement runs through, and a Restructure Overlay is applied, to the western section, which also contains Black Gum and is Site 21 in the Black Gum Management Plan.⁵⁵ The Plan identifies residential development as a management issue, and “*establishment of a Black Gum Reserve*” as a desirable management action for this site.

The Association submits that increasing the LDRZ subdivision minimum is appropriate and necessary to recognise constraints, location on the town’s periphery, rural interfaces, and existing lower-density character. It would also provide improved protection for important landscape and environmental values from more intense residential development.

6.1.1 MRRA request to Panel:

- A. Amend the LDRZ zone schedule to 4,000m² or higher minimum subdivision area, to better recognise constraints, values and existing lot sizes.

⁵¹ Former Newham and Woodend planning scheme

⁵² New format planning scheme

⁵³ Amendment C21/C48

⁵⁴ Amendment C88

⁵⁵ “Black Gum Strategy, 1994”, reference document at Clause 21.05, Macedon Ranges planning scheme

6.2 Variation Of Rescode Standards In Zone Schedules

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

Variation of ResCode standards in zone schedules improves definition of residential design and development objectives, and is supported in principle. However, there are deficiencies with translation and implementation.

6.3 Variation Of Frontage Setbacks

(Point 2.1, MRRA Exhibition Submission)

Exhibited C98 did not vary ResCode front setbacks where an existing dwelling abuts a vacant lot, or for corner lots. The Association requested variations be made in line with already proposed front setbacks. Particular concerns were:

- NRZ5 and NRZ6: 10 metre front setback for the 'existing buildings both sides' and 'vacant both sides' scenarios, but default (9 metre or same as existing) for the 'existing building / vacant' scenario.
- All precincts: ResCode default front setbacks for corner allotments:
 - For 'existing building on one side': *same as existing or 9 metres, whichever is lesser*
 - For 'vacant abutting allotment': *6 metres (RDZ1), 4 metres (other roads)*.

Council response to MRRA (Submission 76, Response #1):

Post-exhibition, Council added a 10 metre front setback to NRZ5 and NRZ6 for the 'existing building / vacant' scenario, but deleted the exhibited 10 metre frontage setback for 'vacant allotments on both sides',

10 metres unless:

There is a dwelling on one abutting allotment in which case the setbacks can be the same as the dwelling on the abutting allotment facing the front street, whichever is the lesser.

~~10 metres where there is no existing building on either of the abutting allotments facing the same street.~~

Rationale:

- "A 9m default setback in scenarios where there are no buildings on the abutting allotments facing the front street is not recommended. This provision is only likely to become relevant on a greenfield site where sites could set their own character (e.g. 29 Goldies Lane)." [emphasis added]
- "It is considered that a 9m setback would result in an unproductive use of land. A **6m** default is therefore recommended." [emphasis added]

As the Structure Plan sets a 10m front setback in NRZ5 and NRZ6, it is not clear why 9m is mentioned. The changed 6m setback is not included in the schedules, leaving these zones with a default 6m setback (RDZ1) and 4m (other roads). **Table 1** shows exhibited and post-exhibition changes.

- A. Appears to be a post-exhibition formatting change.
- B. A 10m front setback is added to NRZ5 and NRZ6 for the 'existing building / vacant' scenario.
- C. The exhibited NRZ5 and NRZ6 10m 'vacant both sides' setback is deleted
- D. NRZ2, NRZ3, NRZ4 and GRZ2 front setback for 'vacant both sides' (greenfield) development is 6m.
- E. All front setbacks for corner allotments remain default 6m (RDZ1), 4m (other roads).
- F. C98 does not implement Structure Plan setbacks (and other standards) for LDRZ.

The Association submits the concept of greenfield sites “*setting their own character*”, and of 9 (and 10) metre frontage setbacks being “*unproductive use of land*”, particularly within NRZ5 and NRZ6, represents a significant detour from the Structure Plan’s objectives. From its response Council appears to be seeking outcomes the Structure Plan explicitly aims to avoid.

6.3.1 MRRA request to Panel:

- A. The 10m ‘building on one side / vacant on one side’ front setback added to NRZ5 and NRZ6 post-exhibition be supported.
- B. The exhibited NRZ5 and NRZ6 10m ‘vacant both sides’ setback be re-instated.
- C. The 6m front setbacks in NRZ2, NRZ3, NRZ4 and GRZ2 for ‘vacant both sides’ be reviewed for consistency with Structure Plan recommendations.
- D. Front setbacks for corner allotments, compatible with Structure Plan objectives, be included in all zone schedules.
- E. A DDO be considered to implement Structure Plan character objectives for the LDRZ.

Table 1 Structure Plan, Exhibited C98 and Post-Exhibition Front Setbacks

Precinct/Zone	Structure Plan	C98 dwellings both sides	C98 dwelling one side, vacant other	C98 vacant both sides	C98 Corner
Historic Res / NRZ2 600 sqm	9m or avge of front walls of existing buildings facing the front street on abutting allotments (lesser of)	A3/B6 9m or avge of front walls of existing buildings facing the front street (lesser of)	A3/B6 9m or same as front wall of existing building facing the front street (lesser of)	(D) 6m (A3/B6: 6m RDZ1 4m other road)	(E) A3/B6 default 9m or same as front wall of building facing front street (lesser of) Vacant: 6m RDZ1 4m other road
Township Res / GRZ2	9m or avge of front walls of existing buildings facing the front street on abutting allotments (lesser of)	A3/B6 9m or avge of front walls of existing buildings facing the front street (lesser of)	A3/B6 9m or same as front wall of existing building facing the front street (lesser of)	(D) 6m (A3/B6: 6m RDZ1 4m other road)	(E) A3/B6 default 9m or same as front wall of building facing front street (lesser of) Vacant: 6m RDZ1 4m other road
Garden Setting / NRZ3 600 sqm	9m or avge of front walls of existing buildings facing the front street on abutting allotments (lesser of)	A3/B6 9m or avge of front walls of existing buildings facing the front street (lesser of)	A3/B6 9m or same as front wall of existing building facing the front street (lesser of)	(D) 6m (A3/B6: 6m RDZ1 4m other road)	(E) A3/B6 default 9m or same as front wall of building facing front street (lesser of) Vacant: 6m RDZ1 4m other road
Bush Setting / NRZ4 800 sqm	Maintain pattern of regular setbacks	A3/B6 9m or avge of front walls of existing buildings facing the front street (lesser of)	A3/B6 9m or same as front wall of existing building facing the front street (lesser of)	(D) 6m (A3/B6: 6m RDZ1 4m other road)	(E) A3/B6 default 9m or same as front wall of building facing front street (lesser of) Vacant: 6m RDZ1 4m other road
Bush Rural Living / NRZ5 2,000 sqm	10m or avge of front walls of existing buildings facing the front street on abutting allotments (lesser of)	(A) 10m or avge of front walls of existing buildings facing the front street on abutting allotments (lesser of) Avge of front walls of existing buildings facing the front street on abutting allotments or 10m (lesser of)	(B) 9m 10m or same as front wall of existing building facing the front street (lesser of) Default A3/B6	(C) Default (A3/B6: 6m RDZ1 4m other road) 10m Facing the same street	(E) Default (A3/B6: 9m or same as front wall of building facing front street (lesser of) Vacant: 6m RDZ1 4m other road)
Large Lot Rural / LDRZ	15m or avge of front walls of existing buildings facing the front street on abutting allotments (lesser of)	(F) -	-	-	-
Large Lot Town / NRZ6 1,200 sqm	Maintain pattern of regular setbacks	(A) 10m or avge of front walls of existing buildings facing the front street on abutting allotments (lesser of) Avge of front walls of existing buildings facing the front street on abutting allotments or 10m (lesser of)	(B) 9m 10m or same as front wall of existing building facing the front street (lesser of) Default A3/B6	(C) Default (A3/B6: 6m RDZ1 4m other road) 10m Facing the same street	(E) Default (A3/B6: 9m or same as front wall of building facing front street (lesser of) Vacant: 6m RDZ1 4m other road)

6.4 NRZ Maximum Heights & Under-utilisation of Schedules

(Point 2.3, MRRA Exhibition Submission)

Introduction of maximum heights is supported, but C98 relies on the NRZ default maximum height. The Association requested maximum height be specified in the zone schedule to provide greater certainty by ensuring changes at State level do not affect local objectives (e.g. as has occurred with LDRZ).

Council response to MRRA (Submission 76, Response #3):

This is not likely to be supported by the department, who strongly discourages duplication.

The Association submits that a purpose of the NRZ is to implement neighbourhood character policy and adopted neighbourhood character guidelines. The zone schedules provide for local design and development policy to be implemented. The current review of residential zones may result in State-wide changes to zone defaults, which could undermine the Structure Plan's objectives.

6.4.1 MRRA request to Panel:

A. That maximum heights (and maximum dwellings on a lot) be specified in NRZ zone schedules.

6.5 Fencing and Canopy Trees

(Point 2.2, MRRA Exhibition Submission)

C98 does not implement recommendations for fencing (or no fencing) and canopy trees, particularly for single dwelling development. These are recognized as important elements of Woodend's character. The Association requested a DDO schedule be included with this amendment to address these issues, noting DDOs are used for this purpose by other municipalities.

Council response to MRRA (Submission 76, Response #2):

- Council responded that Rescode only triggers a planning permit for fences in association with multi-dwelling development and single dwellings on lots less than 300m² and variation of the standard would only trigger a planning permit for a lower fence under the same circumstances.
- Investigating a DDO is "Further strategic work" at Clause 21.13-3.
- Canopy trees are best controlled through a Vegetation Protection Overlay (VPO) (Further strategic work).

The Association submits:

- a) **Fencing** Exhibited Clause 21.13-3 precinct objectives already include non-ResCode fencing heights which could be specified in zone schedules. Variation of height standards would still not address the nature or type of fencing recommended by the Structure Plan for each precinct. Table 2 shows Structure Plan objectives, and C98 Clause 21.13-3 requirements (which only apply if a planning permit is required).

Table 2 Structure Plan, Exhibited C98 and Post-Exhibition Fencing

Precinct/Zone	Structure Plan: Fencing Appendix C Neighbourhood Character Guidelines	C98 Clause 21.13-3
Historic Res / NRZ2 600 sqm Clause 21.13-3 Obj 7 <u>8</u>	<ul style="list-style-type: none"> No specific fencing requirements. Achieve a high level of consistency with the established character (at Context). Retain the low scale character of streetscapes... 	<ul style="list-style-type: none"> O Low front fences that allow views of front gardens. S Avoid front fences over 1.2m in height.
Township Res / GRZ2 Clause 21.13-3 Obj 8 <u>9</u>	<ul style="list-style-type: none"> PFC Low, permeable 	<ul style="list-style-type: none"> O Low front fences that allow views of front gardens. S Avoid front fences over 1.2m in height.
Garden Setting / NRZ3 600 sqm Clause 21.13-3 Obj 9 <u>10</u>	<ul style="list-style-type: none"> Low and permeable or non-existent front fences. 	<ul style="list-style-type: none"> O Absent or low front fences that allow front gardens to merge into the nature strip. S Avoid front fences over 1.2m in height.
Bush Setting / NRZ4 800 sqm Clause 21.13-3 Obj 10 <u>11</u>	<ul style="list-style-type: none"> A lack of front fences, or low, permeable (rural style) where unavoidable. 	<ul style="list-style-type: none"> O Absent or low front fences that allow plantings in front gardens to blend with the roadside vegetation. S Avoid front fences unless they are no more than 1.2m in height and of post and wire or post and rail construction.
Bush Rural Living / NRZ5 2,000 sqm Clause 21.13-3 Obj 11 <u>12</u>	<ul style="list-style-type: none"> Rural style 	<ul style="list-style-type: none"> O Rural style fencing. S Require, where fencing is proposed, rural style post and wire or post and rail fencing.
Large Lot Rural / LDRZ Clause 21.13-3 Obj 12 <u>13</u>	<ul style="list-style-type: none"> Rural style Simple post and wire 	<ul style="list-style-type: none"> O Rural style fencing that reinforces the rural feel of the area. S Require, where fencing is proposed, rural style post and wire or post and rail fencing.
Large Lot Town / NRZ6 1,200 sqm Clause 21.13-3 Obj 13 <u>14</u>	<ul style="list-style-type: none"> Visually permeable Rural style 	<ul style="list-style-type: none"> O Absent or low rural style front fences that allow views of front gardens. S Avoid front fences unless no more than 1.2m in height and of post and wire or post and rail construction.
PFC = preferred future character (Structure Plan); O = MSS Objective (preferred future character); S = MSS Strategy		

- b) **Canopy trees** ResCode landscaping standards can only be varied for medium density development, which results in an inability to require canopy trees in single dwelling development unless a planning permit is required. It is not clear why a Vegetation Protection Overlay is proposed as the most suitable or effective mechanism for requiring canopy trees to be planted with urban dwelling development on private property.

The Association submits moving C98 forward without addressing this issue leaves a notable gap in the amendment's implementation of the Structure Plan. Relying upon future work runs the risk of the work not being done at all. A single DDO schedule could address both issues, and provide flexible implementation.

6.5.1 MRRA request to Panel:

- A. That a Design and Development Overlay schedule implementing the Structure Plan's objectives for fencing and landscaping in all precincts be included in the C98 amendment.

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

(Point 3, MRRA Exhibition Submission)

C98 does not trigger a planning permit for single dwellings, and extensions, on lots in this size range in the GRZ2. The Association requested a permit requirement be included in the zone's schedule.

Council response to MRRA (submission 76, Response #4):

“Rescode variations are also implemented through the building regulations and as such it is not necessary to trigger a permit as requested. Also see response to Key Issue C – Neighbourhood Residential Zone.”

The Association submits changes to the Structure Plan’s recommended minimum of 500m² (exhibited and post-exhibition) to allow development on smaller lots in the Township Residential precinct brings this variation into play. Logically, the smaller the lot, the greater the need to manage development to ensure character objectives are met. A planning permit requirement for single dwellings *and extensions* on lots in this range would enable the development to be fully assessed against policy requirements, rather than relying on building permit processes alone.

6.6.1 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 GR22 schedule.

6.7 Lack of Application Requirements and Decision Guidelines

(Point 11, MRRA Exhibition Submission)

Amendment C98 does not introduce any new application requirements or decision guidelines in zone schedules or Clause 21.13-3. The Association requested these be added.

Council response to MRRA (Submission 76, Response # 13):

“Existing decision guidelines and application requirements within the header clauses of NRZ and GRZ are considered sufficient. Additional policy guidance is also provided in the proposed LPPF for each neighbourhood character precinct policy.”

The Association submits that application requirements and decision guidelines in zone header clauses are applied State-wide. C98 introduces new Woodend-specific policy but does not include Woodend-specific application requirements or decision guidelines in either zone schedules or Clause 21.13-3, which is no change from today.

6.7.1 MRRA request to Panel:

- A. Add application requirements and decision guidelines that respond to requirements introduced by the Structure Plan in either zone schedules (Practice Note 4 preference), or Clause 21.13-3.

7 RESIDENTIAL DEVELOPMENT**7.1 Residential Design Principles**

(Point 5, MRRA exhibition submission)

The Structure Plan’s Residential Design Principles⁵⁶ are strongly supported, but are not obvious in Amendment C98. The Association requested a new Objective be added, with the Residential Design Principles as Strategies, at Clause 21.13-3 Housing, and additional reference elsewhere where relevant.

Council response to MRRA (Submission #76): *Key Issue A, Translation of the Structure Plan*

⁵⁶ pages 32 to 35

Key Issue A advises

- 'Designing with the landscape', and 'Medium density housing' principles are reflected in Clause 21.13-3;
- The principles of 'Sustainable housing design' are covered within the 6 star energy ratings; and
- The 'Broad hectare development' principles are not Woodend-specific and repeat design principles and requirements elsewhere in the scheme e.g. under State clauses at 15.01-2 Urban Design Guidelines, 15.01-3 Neighbourhood and Subdivision Design and Clause 56 Residential Subdivision.

The Association submits:

The Structure Plan, at page 31, Residential Design Quality, says:

*"Residential design quality is a key issue in Woodend, as evidenced by photographs and submissions received from the community. **Design principles** to achieve a higher standard of residential design in new infill development or on broad hectare sites are set out, to reflect the character and quality of Woodend, and to address issues raised by the community."* [emphasis added]

The Structure Plan produced and recommends these design principles be applied to Woodend. Reliance on State policy is no change from today. Their absence creates a void, and is another example of C98 not implementing the Structure Plan's recommendations.

7.1.1 MRRA request to Panel:

A. That the Residential Design Principles be included in Amendment C98.

7.2 Variation of 500 Square Metre Minimum Subdivision Size, Clause 21.13-3

(Point 4, MRRA Exhibition Submission)

The exhibited C98 changed the Structure Plan's recommended 500m² minimum subdivision size for the Township Residential precinct to "approximately 500m²", and limited its application to multi-dwelling development. The Explanatory Report claimed the lot size change provided more *flexibility*. The Association did not support these changes and requested that "approximately 500m²" be justified; that "approximately" be defined and limitations set or it be deleted; and that its application to only medium density development be reviewed because it conflicted with the Structure Plan.

Council response to MRRA (Submission 76, Responses #5 and #6): Key Issue 1

Council agreed the exhibited policy was not clear, and proposes the following post-exhibition change:

"Add the following strategy between Strategies 8.7 and 8.8:

- Require subdivisions of vacant land to measure no less than 500m².
- Support consideration of smaller lots where the development proposal for the dwellings is submitted before or at the same time as the subdivision application and the proposed development meets the neighbourhood character objectives for the precinct."

The Association submits:

The Structure Plan (page 105) says character objectives for the Township Residential precinct:

"...will be achieved by... Applying a minimum lot size of 500m²."

While not a mandatory requirement, it sets a policy parameter that increases certainty and responds to community anxiety with “suburban-density” development that harms Woodend’s rural township character.

Although the post-exhibition change requiring applications for dwellings to be submitted before or at the same time as subdivision applications is an improvement, ‘vacant land’ and ‘smaller lots’ are not defined, and a permit is not required for single dwellings and extensions on the smaller lots proposed.

7.2.1 MRRA request to Panel:

- A. That the Structure Plan’s recommendation for minimum subdivision area of 500m² in the Township Residential character precinct not be varied.

8 ENVIRONMENTAL SIGNIFICANCE OVERLAY SCHEDULE 7 (ESO7)

(Point 10, MRRA Exhibition Submission)

Supported as a positive change that recognises environmental constraints, and protects an essential service facility from the impacts of residential encroachment. Concerns about the proposed buffer’s irregular shape have been satisfied by Council’s advice (Response # 12) that the buffer reflects EPA guidelines.

9 PROPOSED POST-EXHIBITION CHANGES

9.1 Rezoning exhibited NRZ5 and NRZ6

In response to submissions Council has agreed to post-exhibition changes to the exhibited NRZ at:

- a) **Ashbourne Road (Submission 21):** exhibited NRZ5 (2,000 sqm) / proposed GRZ2 (medium density)
 - *Rationale for change: There is other GRZ2 in close proximity.*
- b) **Brooke Street (Submission 30):** exhibited NRZ6 (1,200 sqm) / proposed GRZ2 (medium density).
 - *Rationale for change: GRZ2 is more compatible with a recent subdivision permit than the exhibited precinct /zone applied in response to the Structure Plan.*
- c) **Goldies Lane (Submission 79):**
 - exhibited NRZ5 (2,000 sqm) and NRZ6 (1,200 sqm) / proposed NRZ3 (600 sqm), reduced NRZ5 and NRZ6.
 - *Rationale for change: Council’s response to this submission says:*
“It is agreed that the Structure Plan’s recommended neighbourhood character precincts for 29 Goldies Lane has to be amended so as to align with the planning permit.”

The Association submits proposed changes lack a strategic basis, undermine the Structure Plan’s objectives for precinct character protection, and set an undesirable strategic and statutory precedent. Additionally:

- The Ashbourne Road site has a transition role: it abuts Newell Reserve and its character is sympathetic to this open space, and the spaciousness of the NRZ5 and NRZ6 precincts proposed in this area.
- The Brooke Street site is part of the “Blanchwood” heritage place (proposed NRZ6), which was proposed for heritage protection in 1997.
- The Goldies Lane site is within the BMO. The change introduces NRZ3 where none otherwise exists.

9.1.1 MRRA request to Panel:

- A. That exhibited precincts and zonings be retained for all three sites.

9.2 Removal of North-West “Future Investigation Area”: Submission 53

This land is the Structure Plan’s north-west “Future Investigation Area”, is zoned Farming and RCZ1 and is constrained by a range of environmental features, including its location on the Avenue of Honour and Golf Course Hill, and in a Special Water Supply Catchment. Submission 53 requests the “Future Investigation Area” designation be removed, to facilitate a rural living outcome, citing an existing ability to apply for a dwelling on each of some 50 existing titles. **Figure 17** shows the area and titles.

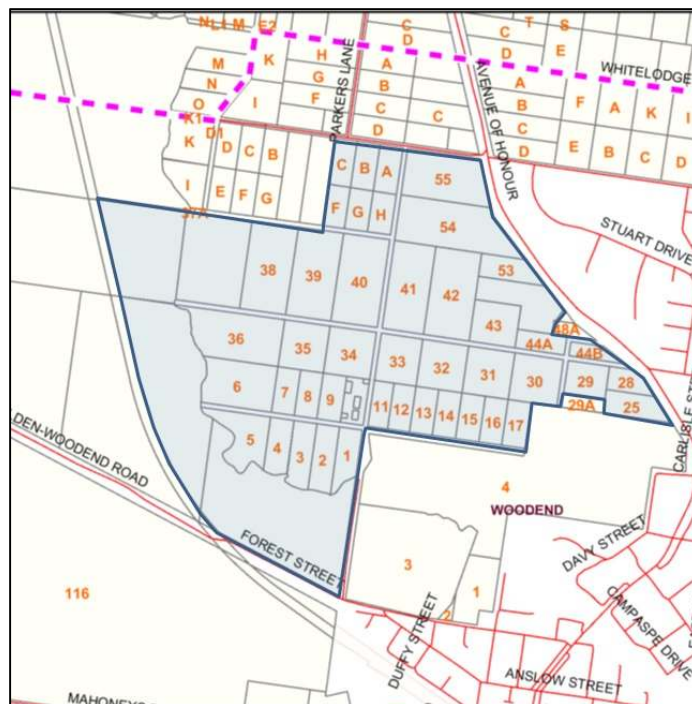


Figure 17 North west “Future Investigation Area” (and crown allotments)

The Association submits:

- This speculative land purchase has been the subject of a variety of proposals for residential rezoning and development, and accommodating Council resolutions.
- Development of the land would result in growth additional to the Macedon Ranges Settlement Strategy.
- The land is not identified for a rural living outcome in Council’s “In The Rural Living Zone” report (2015).
- Development of a dwelling on each existing title is constrained by the land’s physical location and by State policy at Clause 11.05-3 *Rural Productivity (Melbourne’s hinterland areas)*:

Objective

To manage land use change and development in rural areas to promote agriculture and rural production.

Strategies

Prevent inappropriately dispersed urban activities in rural areas.

Limit new housing development in rural areas, including:

- *Directing housing growth into existing settlements.*

- Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

Restructure old and inappropriate subdivisions.

9.2.1 MRRA request to Panel:

- That the "Future Investigation Area" designation be maintained pending formal review of growth/land supply for Woodend as envisaged in the Structure Plan, and pending outcomes from the processes for legislative protection for Macedon Ranges.
- That consideration be given to application of a Restructure Overlay to the 50 existing titles.

9.3 Rezone PUZ4 to NRZ6, 29 Corinella Road

In response to submission 12, Council proposes to rezone the land from PUZ4 to NRZ6 (Large Lot Township character precinct).

The land is vegetated, approximately 3.2ha, triangular with access to Corinella Road, contains a large dam, and has a drainage line along its western side. **Figure 18** shows RCZ1 (40ha minimum subdivision) to the west and south, and a small portion of General Residential Zone (proposed NRZ6) to the south. ESO4 (Eppalock catchment) applies.

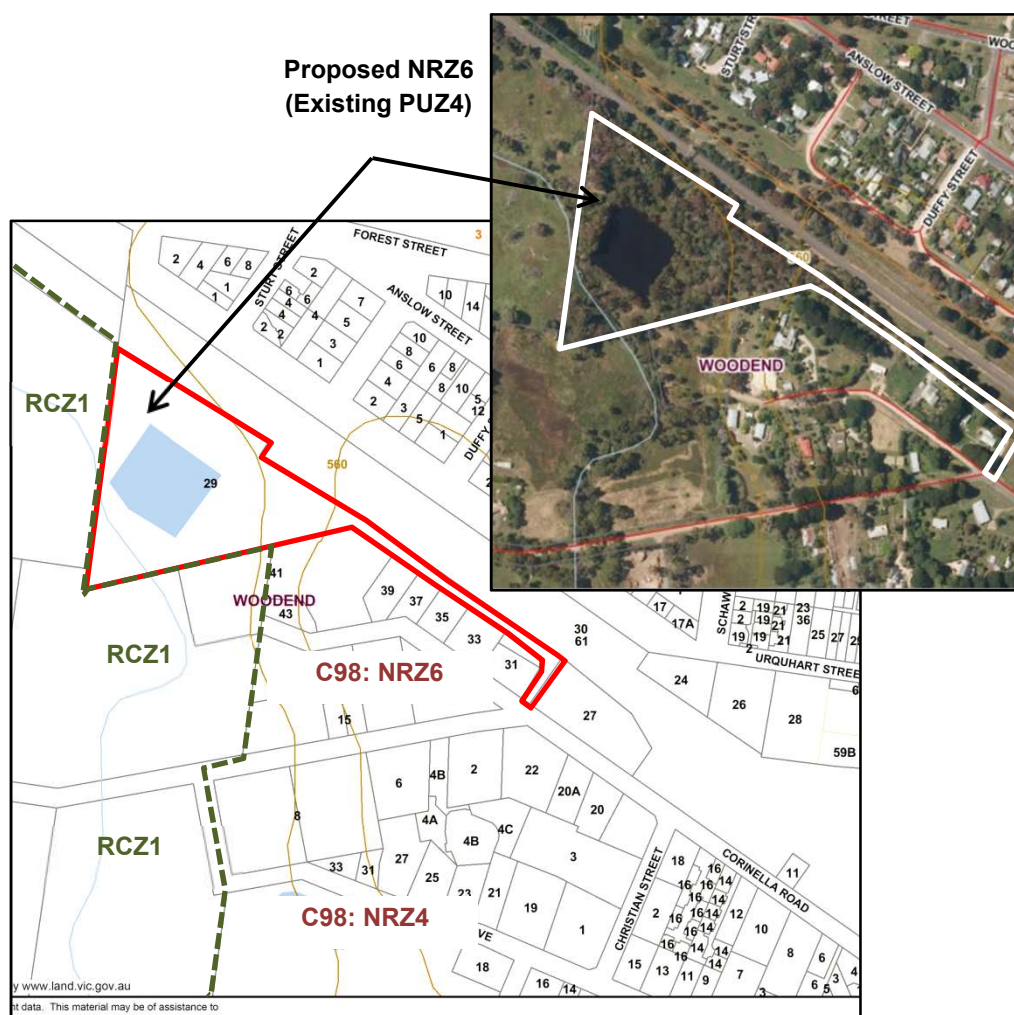


Figure 18 29 Corinella Road titles and aerial, and existing and proposed C98 zoning

VPO1 is applied. This area is Site 8 in the Black Gum Management Plan, which identifies “*establishment of a Native Plant Reserve*” as one of the desirable management actions for this site. (Figure 19).

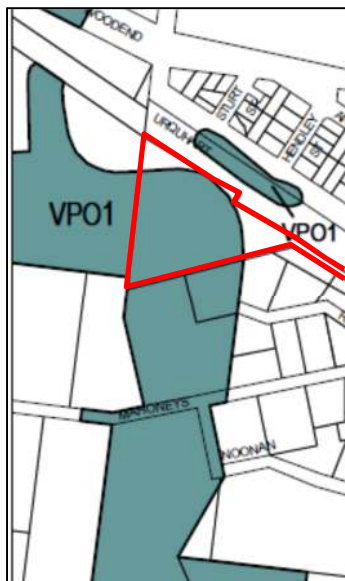


Figure 19 Application of VPO1 - Black Gum, 29 Corinella Road and surrounding areas

The Association submits rezoning to NRZ6 would provide for subdivision into 1,200m² lots. Additional to Black Gum and surrounding RCZ1 zoning, other potential considerations are drainage and possible contamination from railway operations. The best outcome would be for the land to be in public ownership (State or Council) and actively managed as a Native Plant Reserve.

9.3.1 MRRA request to Panel:

- A. If the land is in private ownership, it be rezoned Rural Conservation Zone 1 to recognise its environmental significance, and dominant surrounding zoning.

9.4 NRZ3 to NRZ6 Rezoning, East of Morris Road

The Association submits support for this change is found in the land's Residential C (1,500m² subdivision size) zoning, its interface with RLZ1 (40ha) and drainage issues in the area.

9.4.1 MRRA request to Panel:

- A. That the proposed change be supported.

10 TRANSLATION OF THE STRUCTURE PLAN INTO C98

10.1 Overview

The Association's submission raised issues with translation of the Structure Plan's recommendations into the amendment. Our concerns stem not from a desire for a “word-for-word” translation, but for there to be no loss, weakening or change of policy.

The Structure Plan's integrated and inter-dependent recommendations work together to produce the intended outcomes. Changes to one can undermine others; changes to many can diminish operation of the 'whole'. Too many drafting and wording changes in C98 are not policy neutral, and result in weaker policy. Contributing factors include:

- a) Acceleration and exaggeration of actions for growth, expansion, economic development and development.
- b) Reduced emphasis on environment particularly in terms of inclusion, protection and priority.
- c) Changed "PPF" language softening policy, planning standards and requirements.
- d) Over-simplification, and standardisation.
- e) Responsibility for actions shifted from the planning authority to development proposals e.g. 'prepare a masterplan' becomes 'require a masterplan to be prepared', and 'prioritise fire risk' becomes 'require fire risk'.
- f) Unexplained wording changes e.g. "new development" replaces "buildings", which shifts emphasis.

These types of issues are not unfamiliar. The Interim Amendment C84 Panel Report (September 2012), found:

"use of weaker language in Amendment C84 does introduce a substantial shift in policy relating to rural areas and the protection of environmental values." ⁵⁷

"...the Panel agrees with submissions that the MSS's emphasis on tourism may be exaggerated relative to other elements of the local economy, is at times misplaced and the wording has shifted the emphasis away from the importance of protecting significant landscape, ecological values and resources such as water but to their own inherent value." ⁵⁸

10.2 Clause 21.13-3 : Drafting and Translation Issues

(Point 13.2, MRRA Exhibition Submission) (Points 13.4 to 13.8)

The Association included a numbered table in its submission requesting 36 changes to Clause 21.13-3 content. Changes made in response (table numbers #5, #7 and #27) are supported. A revised table with Council responses (in purple) and post-exhibition changes is included at Attachment 3, but today we wish to turn to key issues.

1) Growth: Town Boundary / Future Growth / Trigger Points / Timing / Processes / Investigation Areas

Table numbers #2,#3,#10,#11,#12, #13, #14 and #15 (Farming zone, Old Lancefield Road)

The Structure Plan is clear about what will happen, when and how, but Amendment C98 is not and omits or changes several critical Structure Plan recommendations, introducing an open-endedness on these issues. This reduces community confidence in the amendment. For example C98:

- Omits 'demographic data' as the basis for assessing or supporting expansion of the town boundary or rezoning of land for residential development (table number #2).
- Says 'only support' (growth outside the boundary), when the Structure Plan says 'only investigate' (table number #12).

Council proposes the post-exhibition change:

"Land within the township boundary will be considered for rezoning prior to investigating land outside the town boundary."

⁵⁷ Page 79

⁵⁸ Page 75

This conflicts with the Structure Plan's requirement for rezoning of Farming zoned land to be concurrent with comprehensive investigation of the entire northeast investigation area. And that Structure Plan requirement for this land is itself not accurately translated into C98 (table number #15).

10.2.1 MRRA request to Panel:

- A. That the Panel insist C98 accurately and fully incorporates all aspects of the Structure Plan's recommendations relating to these issues.

2) Gateways

Table numbers #6, #20, #21, #22, #23

The Structure Plan makes several specific recommendations for protecting gateways which are either omitted or diminished in C98's translation. C98 also deletes requirements for the Avenue of Honour in the current scheme that were inserted by the C84 panel).

10.2.2 MRRA request to Panel:

- A. That the Structure Plan's recommendations for gateways, and the current scheme's requirements for the Avenue of Honour, be included in C98.

3) Commercial and Industrial Land

Table numbers #4, #9, #36

Concerns are that C98 makes far-reaching changes without strategic justification, accelerates actions and weakens requirements.

- C98 designates the long-term (2029) additional 1.2ha of commercial land (C107) "*as likely to be dominated by professional services*" (table number #4), potentially undermining the retail function and creating demand for more commercial land.
- C98 deletes the current scheme's qualification of commercial land expansion as "limited" (table number #9).
- C98 escalated industrial expansion at Clancy's Lane from the Structure Plan's "investigate the potential to expand" to "Facilitate the expansion". Post-exhibition, this is changed "*Support the investigation*" along with C98's failure to include appropriate requirements for an investigation (#39).

10.2.3 MRRA request to Panel:

- A. That reference to "professional services" be deleted from C98 Clause 21.13-3 Overview.
- B. That the current scheme's reference to "limited" commercial land expansion be retained at C98 Clause 21.13-3 Overview.
- C. That the Structure Plan's, and current scheme's requirements for industrial expansion be included.

4) Tourism

Table number #35

C98 deletes the current scheme's Woodend-specific Clause 21.13-3 Strategy 1.5:

Objective 1: "To reinforce key urban functions and the role of Woodend as a district town."

Strategy 1.5: "Encourage the development of tourism facilities and accommodation of an appropriate scale in Woodend."

Council response: *this is covered by current MSS Clause 21.10-2 Tourism, Objective and Strategy 1.5:*

Objective: “To enhance tourism potential of towns within the municipality”

Strategy 1.5: “Encourage accommodation facilities within Kyneton and Woodend.”

C98 replaces specific policy with broad policy. The existing policy had endorsement from the C84 panel.

10.2.4 MRRA request to Panel:

A. Retain Clause 21.13-3, Strategy 1.5 in C98.

5) References to ‘Historic’

Table number #26

C98 does not include the Structure Plan’s recommendation, “*protect older buildings that are a part of the character and heritage of the township*”. Council say the word ‘protect’ can’t be used for historic buildings because the only way to ‘protect’ is to apply a heritage overlay.

Practice Note 43 *Understanding Neighbourhood Character* identifies 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*.

10.2.5 MRRA request to Panel:

A. Include the Structure Plan’s recommendation in C98.

10.3 Neighbourhood Character Precinct Objectives Clause 21.13-3

(Point 13.2, MRRA Exhibition Submission)

The Association included Neighbourhood Character Precinct objectives in its submission requesting content changes. Revised change requests, and post-exhibition changes, are included at **Attachment 4**. C98’s poor translation of Preferred Future Character. Getting this right is pivotal, because many future decisions will turn on what this says. In C98, it is not what the Structure Plan says.

10.3.1 MRRA request to Panel:

A. That Preferred Future Character descriptions for all precincts in Clause 21.13-3 be amended to accurately reflect the Structure Plan’s findings.

10.4 Woodend Strategic Framework Map

(Point 12, MRRA Exhibition Submission)

Concerns were raised that the C98 Woodend Strategic Framework Map does not fully represent the Structure Plan’s Woodend Strategic Framework Map at page 16, with omission of strategic directions, open space and bicycle links, path spines and the words among issues raised.

Council response to MRRA (Submission 76, Response #14):

Council's response seemed to consider matters relating to the public realm relate to public works, saying "*their delivery is not dependent upon inclusion within the planning scheme*". The Strategic Framework Map as proposed was considered appropriate in the interests of clarity and legibility, and for "*standardisation across structure plan maps in the planning scheme (see Amendments C99 and C100)*".

The Association submits the C98 Strategic Framework Map inadequately represents the Structure Plan's vision for private and public realms in Woodend. Errors are also present.

10.4.1 MRRA request to Panel:

- A. That the Strategic Framework Plan be amended to accurately represent Structure Plan's vision, including addition of features, issues and strategic directions for the town, and "long-term" to "Residential Expansion Investigation Areas".

10.5 Inadequate Use of Themes

(Point 13.1, MRRA Exhibition Submission)

Our Issue with MSS themes related not to them being MSS themes, but that there weren't enough of them: only 4 of 10 available themes are used resulting in mis-matches, or policy being discarded. Themes are shown in **Table 3**.

For example, town centre recommendations are in *Economic Development*, and character recommendations in Housing. Recommendations for contemporary architecture and enhancing the landscape character of precincts aren't anywhere, because C98 does not include a *Built Environment and Heritage* theme.

10.5.1 MRRA request to Panel:

- A. That Council's proposal to include an "Environmental Risk" theme be supported.
- B. That a "Built Environment and Heritage" theme be included.
- C. That Clause 21.13-3 be reviewed and where necessary additional MSS themes be added to better accommodate the Structure Plan's recommendations.

Table 3 Structure Plan and MSS Themes

Structure Plan themes	MSS (planning scheme) themes	C98 Clause 21.13-3 themes
Future Growth and Township Boundary	Settlement	Settlement
Landscape and Environment	Environment and Landscape Values	Environment and Landscape Values
	Environmental Risk	Environmental Risk (post-exhibition)
	Natural Resources	
Township Character	Built Environment and Heritage *	
Housing and Neighbourhood Character	Housing	Housing
Township Activity	Economic Development	Economic Development
Transport	Transport *	
	Community Development and Infrastructure *	

* Themes used in the Explanatory Report to address issues, but not included at Clause 21.13-3

10.6 Design and Development Overlay Schedule 23

(Point 8, MRRA Exhibition Submission)

Application of a Design and Development Overlay to the town's commercial zone is supported, but C98's translation of has weakened and omitted the Structure Plan's Building Design Guidelines.

a) DDO23 59 High Street (Key Opportunity Site 4)

(Point 8.4, MRRA Exhibition Submission)

The Association requested omitted Structure Plan requirements for this site (page 42), be included in C98.

Council response to MRRA (Submission 76, Response 10):

"Issues of built form and signage are applicable to all sites within the town centre and these requirements are therefore listed under Clauses 2 and 4 of DDO23..."

Council proposes the following post-exhibition changes:

"All new development should:

- *Be respectful of the important location of the site at the entrance point into the commercial centre of Woodend.*
- *Provide landscaping to the High Street frontage.*
- *Address the High Street frontage, the interface with the station carpark and adjoining median space to the north.*
- *Minimise the loss of mature trees on site."*

*Be respectful of the nearby rail environment and address the rail corridor frontage. * Response to submission 18, omitted in error from post-exhibition DDO schedule, to be corrected)*

The Association submits C98 still does not represent the Structure Plan's recommendation for this site. Replacement of "key gateway" with "important location" (also at key opportunity site 3 59) responds to a submission from the proponent of a petrol station application on the site that was recently refused by VCAT 60. Despite proponent arguments the site wasn't a "gateway", VCAT upheld that it is.

b) DDO23 Translation: Changed Wording / Loss of active (PPF) language / Omitted Guidelines

(Points 8.1, 8.2 and 8.3 respectively: MRRA Exhibition Submission)

The Association's concerns with the DDO schedule include:

- 1) Replacement of "building" with "new development" –context loss and potential for requirements to not apply to re-development of existing buildings.

Council response #8: Wording considered adequate.

- 2) The Structure Plan's "PPF" active language made passive and prefaced with "should" (e.g. "Maintain" changed to "should be maintained").

Council Response: Refer Key Issue A: Translation of the Structure Plan

- 3) The Structure Plan recommends that its Building Design Guidelines be included in the planning scheme ⁶¹, but not all are in the DDO schedule.

⁵⁹ Key Opportunity Sites, page 43, Woodend Structure Plan

⁶⁰ VCAT reference No. P1621/2015, Permit Application no. PLN/2013/319

⁶¹ Page 44, dot point 4

Council Response #9 & Submission 54:

Add the following Design Objective:

“To protect the town centre entrances from visually intrusive development or signage.”

The Association submits our original concerns with a weakened, incomplete DDO23 schedule, and policy change. remain. (Attachment 5) demonstrates the issues the Association has raised.

10.6.1 MRRA request to Panel:

- A. That the Panel turn its mind to translation issues in the DDO schedule and recommend changes which will better implement the Structure Plan's recommendations.
- B. That the Structure Plan's requirements for the 59 High Street site be included in the DDO schedule:

All new development should ensure an appropriate built form and signage design response in this significant gateway location by:

- *Designing buildings to* address the High Street frontage, the interface with the station carpark and adjoining median space to the north.
- *Providing landscaping along the High Street interface, and minimising the loss of mature trees on site.*
- *Ensuring signage is appropriate to the country town context in height, scale, materials and colours.*
- *Be respectful of the nearby rail environment and address the rail corridor frontage. (submission 18)*

11 CONCLUSION

Woodend has waited a long, long time. For a plan – a *long-term* plan. For a plan that protects not just what people value, but what is valuable.

The Woodend Structure Plan – a rare document that enjoys remarkable community support – raises the bar, at last setting a sound, strategic planning regime that seeks to preserve the features and characteristics of this town that contribute to State level significance.

There is an added dimension to this Panel's deliberations: the State government's intention to provide legislative protection for the towns and rural areas of Macedon Ranges. We are asking the Panel to endorse an amendment that is compatible with that intention.

Woodend needs C98, but C98 has to be right. The 'big ticket' items are there – the Neighbourhood Residential zones, character protection – but translation and drafting of policy is a weak link. There can be no weak links.

We ask that you be mindful that Macedon Ranges Shire is not a growth area. Woodend is not Melbourne and it's not a growth town. It's a rural town.

We ask that there be clarity and strength in your findings and recommendations.

We ask you to bring your expertise to bear and exercise your powers in Woodend's best interests so that it can long remain a place with an indelible identity that evokes an intimate and profound sense of place, belonging and ownership.

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