

Macedon Ranges Shire Council

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Submission:

Objection to Amendment C110 – Macedon Ranges Planning Scheme

23 December, 2015

Macedon Ranges Residents' Association previously made a submission (12 December, 2014) strongly objecting to Macedon Ranges Shire Council's in-house draft document, "In The Rural Living Zone", when it was exhibited.

The Association's several grounds of objection included an objection to comprehensive lack of strategic justification for the "In The Rural Living Zone" document and the unnecessary and damaging changes it proposed. The notion of maintaining a *30 year supply* of rural living land, additional to the 15 year land supply in each *town* Council insists on, is not only nonsensical but substantially exceeds the Macedon Ranges Settlement Strategy's findings.

This dubious document is now translated into Amendment C110. MRRA considers both lack the credentials to be regarded as in any way related to the concept of strategic land use planning. Amendment C110:

- Reduces existing 40ha and 8ha Rural Living Zone minimum subdivision sizes to 4ha and 2ha respectively across vast areas of land from Gisborne South to Riddells Creek. *Not only does this eliminate the rural buffer that has been maintained between metropolitan Melbourne and Mount Macedon to protect landscapes and the Shire's southern gateway as a matter of planning policy for the past 40 years, it also eliminates the rural buffer between townships required in State policy today.*
- Proposes to remove Design and Development Overlay Schedule 13 (introduced to the Macedon Ranges planning scheme by Amendment C48 in 2006 to prevent further rural living subdivision) from large properties with highly significant heritage and landscape values. *Council also proposes to remove (but doesn't disclose which) existing, long-standing Section 173 agreements from numerous primary lots created as part of previous subdivisions.*
- Promotes small Rural Living lot subdivision to provide for tourism and commercial development in the Rural Living Zone, when such development is not included in the Zone's purposes.

Amendment C110 itself goes even further than the exhibited "In The Rural Zone" document, making additional *ad hoc* changes without a strategic basis, including:

- Introducing a 1 ha minimum subdivision size to one of the Shire's most sensitive features: the Jacksons Creek escarpment, where subdivision is currently prohibited (DDO13).
- Inappropriately applying the Development Plan Overlay to vast areas of existing and proposed Rural Living Zone land, and in the process extinguishing third party rights to all development of this land. *Another key objective of applying the DPOs appears to be obtaining development contributions through non-existent Development Contributions Plans, Section 173 agreements or private arrangements with the developer.*
- Rezoning an area of Rural Living Zone Schedule 1 land (40ha minimum subdivision size) to Rural Living Zone Schedule 3 (4ha minimum subdivision size) near Nolans Road.
- Reducing the land size above which a permit is not required for a dwelling in the Rural Living Zone Schedule 1, from 40ha to 10ha.

- Arbitrarily reducing the minimum subdivision size from 40ha to 2ha (RLZ1 rezoned to RLZ2) for a large area of high class agricultural land at Romsey.
- Arbitrarily rezoning land in the Farming Zone (40ha minimum subdivision size) and Rural Living Zone 5 (8ha minimum subdivision size) at Kyneton to Rural Living Zone 2 (2ha minimum subdivision size), a consequence of which would be increased unsewered development in a Special Water Supply Catchment.

The Association objects in the strongest terms to Amendment C110. We submit the changes it proposes do not constitute proper or orderly planning and have no basis or justification, other than that someone apparently wants them.

Indeed, the “strategic” bases put forward to justify Amendment C110 seem to consist of meeting market demand, anecdotal evidence from real estate agents, development aspirations from certain landowners, and the contentious and questionable aspirations of the Macedon Ranges Equine Strategy to change the planning scheme to allow creation of blocks with room for a pony.

In contrast, there are long-standing and legitimate strategic imperatives and justifications for **not** doing what Amendment C110 does:

- **Statement of Planning Policy No. 8** – Macedon Ranges and Surrounds has formed the basis for strategic planning in the Shire for the past 40 years. It identifies rural living-type development as one of the biggest threats to the area’s State level significance and natural resources.
- **Practice Note 37** – identified but not responded to by C110 – states “*Rural residential development is not appropriate on land that is productive agricultural land*” or “*is in a special water supply catchment area under the Catchment and Land Protection Act 1994.*”
- **Other credible strategic planning documents** – for example, Melbourne 2030; Change and Continuity in Peri-Urban Australia (Peri-Urban Case Study, Bendigo Corridor: Buxton et al, 2007); the Macedon Ranges Rural Land Review (2002); current State Policy for Melbourne’s Hinterland Areas; Plan Melbourne (and Refresh); Alternative Futures for Melbourne’s Peri-Urban Regions – also advocate against what Council proposes in its “In The Rural Living Zone” document and Amendment C110.

The State government is presently appointing a Macedon Ranges Advisory Committee as part of the process for providing legislative protection for Macedon Ranges, based on Statement of Planning Policy No. 8.

Amendment C110 defies and undermines that objective to protect, and takes the Shire in a direction that is in direct conflict with the State government’s objectives, historical and existing planning policy, and the aspirations and expectations of the majority of residents. It also undermines the very attractions and values that bring visitors and tourists to the area. Amendment C110 is far removed from these realities, and together with the selective consultation Council has engaged in, gives rise to perceptions of favouritism, or worse.

The Association questions how this amendment ever attained authorisation to be exhibited.

Requested Change: *The Association requests Council abandon Amendment C110 in its entirety.*

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