

Panel Presentation

Amendment C110

Macedon Ranges Planning Scheme

Gisborne

26 April, 2016

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1 INTRODUCTION

1.1 The Association

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

The Association has been active in planning issues at Shire and State level for many years, and has campaigned for 15 years for re-instatement of State planning protection for the Macedon Ranges, processes for which are now underway. We will be attending the Macedon Ranges Protection Advisory Committee hearings next week.

In past weeks the Association has presented at panel hearings for Amendments C98 / C99, C103 and C105 / and C100, which implement Structure Plans for Woodend, Kyneton and Riddells Creek respectively.

We previously participated in panel hearings for the major amendments C84 (MSS, approved September, 2015), and C92 (Macedon Restructure overlay, abandoned by the Minister for Planning, September, 2015).

As a Shire resident I was a community representative in 1997 on the then Council's New Format Planning Scheme Review group. I previously participated in panel hearings for the New Format planning scheme (1998), for Amendment C8 (Residential and Industrial Land Review – abandoned by the Minister for Planning, 2004), and Amendment C21/C48 (Rural Land Review – approved February, 2006).

1.2 Association Submissions

The Association submitted to exhibition of the "*In The Rural Living Zone*" document in 2014, and exhibition of C110 in 2015 (submission 92). Both are considered to lack a strategic basis, and credibility.

The Association questioned how C110 ever attained authorisation to be exhibited, and requested it be abandoned in its entirety. Primary objections are that, with its parent document,¹ the amendment:

- Is a market demand response;
- Conflicts with State policy, and Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds policy;
- Seeks a 30 year supply of rural living zoned land, additional to 15 year land supply in towns, which exceeds and conflicts with the Macedon Ranges Settlement Strategy;
- Seeks outcomes which permanently damage significant natural resources and landscapes;
- Conflicts with State government objectives to introduce legislation to protect the natural resource, landscape and conservation values of the Macedon Ranges;
- In light of the above, does not constitute proper and orderly planning.

1.3 The Statement Of Planning Policy No. 8 Context

The Hamer government introduced Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds [SPP8] in 1975. The Policy required protection of the area's State significant resources and attributes "*to be the primary concern*" in decision-making. The legislative basis for all Statements of Planning Policy was lost with the introduction of the Planning and Environment Act in 1987.

¹ "*In The Rural Living Zone*", Macedon Ranges shire Council, September 2015

In 2000, the new format Macedon Ranges planning scheme included Statement of Planning Policy No. 8 as local policy at Clause 22.01 *Macedon Ranges and Surrounds*. It also appears at Clauses 21.02 *Key Issues and Influences*, 21.10-2 *Tourism* (Implementation), and as a reference document at 21.04 *Settlement*, in the current scheme. SPP8 has been the basis for strategic planning in most of the Shire for 40 years. It is also proposed as the basis for legislation to protect this area.

Although SPP8 applies primarily to the former Shires of Gisborne, Romsey and Newham and Woodend, it has a nexus with landscapes and Special Water Supply Catchments in the former Kyneton Shire, which included SPP8 in its planning scheme as landscape policy.

The Association sees Amendment C110 as a 'tipping point' for this vulnerable, environmentally sensitive area. What this amendment wants – and where and why it wants it - has been long-recognised as damaging and inappropriate.

The SPP8 Explanatory Report clearly identifies the problem:

*“Major threatening forces which degrade the Policy Area’s landscape values include forest clearing, some residential development, and scattered “urban” and “farmlet” subdivision and development of agricultural and forested land for residential purposes.”*²

*“Farmlet” subdivisions increase the density of landscape features in rural areas, decreasing “rural character” and contrasts with urban environments.”*³

*“The area’s importance for water production and conservation means that forms and levels of land use within the catchments must be regulated to avoid pollution of streams and problems of soil erosion and siltation of storages. Urban expansion within catchment areas is particularly undesirable due to the increased likelihood of pollution, and possible effects of major land-surface changes on the flow-regulation properties of the catchment.”*⁴

*“It is essential that, if the value of the area for other purposes is to be protected, pressures for rural/urban and rural forest residential sites should be resisted as far as possible.”*⁵

As processes to again protect this area with legislation progress, C110 proposes the very outcomes policy and legislation seek to avoid: damage to State significant non-renewable resources and values: *significant landscapes, natural features, high quality soils, and drinking water catchments*.

Then Minister for Planning, Geoffrey Hayes, who approved Statement of Planning Policy No. 8 in 1975, laid out the challenge in a speech given in 1976:⁶

“It is worth considering for a moment the type of area and type of problem that the policy deals with.

“...we must constantly remind ourselves of these values and what it will cost us if we fail to plan and manage these valuable resources properly.”

² Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds, 1975: Explanatory Report, page 16, paragraph 3

³ Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds, 1975: Explanatory Report, page 16, paragraph 5

⁴ Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds, 1975: Explanatory Report, page 34, paragraph 2

⁵ Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds, 1975: Explanatory Report, page 33, paragraph 3

⁶ Speech by Hon GP Hayes, MP, Minister for Planning, “Proceedings of a Seminar to Discuss the Statement of Planning Policy for the area held on Saturday, 1st May 1976 at Braemar College, Woodend.”

1.4 About This Presentation

Much has been made of the 'genesis' of Amendment C110 and its associated 'rural living strategy'. We know there is more to it than has been put forward, and wish to provide some background information which may assist the Panel, along with discussion of additional planning considerations and concerns with the amendment.

2 SIGNIFICANT INFLUENCES AND RECOMMENDATIONS

The *"In The Rural Living Zone"* document is put forward as a Rural Living Strategy. However, there have been several Panel recommendations that provide unambiguous guidance about what a Macedon Ranges' Rural Living Strategy must address, and in the Association's view, the *"In The Rural Living Zone"* document doesn't satisfy those requirements.

The need for a Shire-wide Rural Living Strategy was first articulated by the Macedon Ranges new format planning scheme Advisory Committee in its 1999 report.

3 NEW FORMAT PLANNING SCHEME (APPROVED 2000)

Exhibited in late 1997, the new format Macedon Ranges planning scheme went to panel in November 1998, with an Advisory Committee and Panel Report released in March 1999.

Council's initial response to the VPPs was to attempt to consolidate the four former Shires' planning schemes, then undertake strategic work. Time ran out and in the end, the in-house exhibited scheme was a 'best-fit' translation of existing schemes, which the Advisory Committee described as *"...very much appears to have been cobbled together and is error-ridden."*⁷ Re-exhibition was considered, but the Committee believed implementation of its 157 recommendations would result in an interim scheme pending strategic work being completed. Several of those recommendations have still not been implemented.

3.1 Rural Living Discussion: Panel Report

The Committee noted that the development of the new format Planning Scheme did not include any strategic assessment of existing rural living opportunities or where any further opportunities should be directed.⁸

*"In metropolitan fringe areas with high real estate values and significant subdivision pressures, such as Macedon Ranges, simple nomination of a minimum lot size is unlikely to achieve agricultural viability objectives but may meet landscape objectives. These issues should be addressed in the strategic review of rural areas."*⁹

The report further noted¹⁰ that estimates of demand and supply for rural living development were presented to the Panel on the final day of the hearing, and commented:

⁷ Page 34, *New Format Planning Scheme Panel Report, March 1999.*

⁸ 1.2.3 Rural Areas, page 10, *Macedon Ranges New Format Planning Scheme, Panel Report, March 1999.*

⁹ 1.2.4 Rural Planning Scheme Provisions, page 14, *Macedon Ranges New Format Planning Scheme, Panel Report, March 1999.*

¹⁰ 1.2.3 Rural Areas, page 7, *Macedon Ranges New Format Planning Scheme, Panel Report, March 1999.*

“it appears there is probably an adequate supply (e.g. with Kyneton having zoned land to provide more than 100 years supply...)” [although some small towns] “have less than the indicative 10 year supply suggested in the SPPF but additional provision should be based on strategic objectives rather than routinely applying a “prescribed” supply.”¹¹

“In an area such as Macedon Ranges purely market driven planning responses are inappropriate and the extent to which potential demand for rural living is satisfied and the areas to which development is directed should be specifically evaluated in terms of competing planning objectives.”¹²

“PP No 8 has provided strategic policy direction for most of the current Shire for more than two decades and indicates that “water supply, tourism and recreation and nature conservation must be the primary concern.”¹³

“The Panel believes that there is a clear need for a comprehensive strategic review of rural living in the municipality to:

- Establish the extent to which rural living opportunities are to be accommodated.*
- Identify areas where appropriate rural living development would not compromise key objectives relating to protection of landscape, environmental and agricultural value based on analysis of land capacity and other constraints, and*
- Formulate the most effective planning mechanisms to implement objectives.”¹⁴*

“There is also a recognised need to maintain and protect a ‘green wedge’ between the metropolitan [area] and rural townships. This was recognised in the Statement of Planning Policy No. 8 (PP8) which has set out planning policy for the area for more than two decades and maintains a central role in the exhibited Scheme”¹⁵

3.2 Panel Recommendation

4.2 After Adoption 16

“Following adoption of the Macedon Ranges Planning Scheme, the Panel recommends the following actions be taken after adoption of the scheme:”

- Recommendation 2: “Within 12 months of adoption prepare a*

Strategic review of rural and rural living areas addressing

¹¹ 1.2.3 Rural Areas, page 8, Macedon Ranges New Format Planning Scheme, Panel Report, March 1999.

¹² 1.2.3 Rural Areas, page 8, Macedon Ranges New Format Planning Scheme, Panel Report, March 1999.

¹³ 1.2.3 Rural Areas, Page 8, Macedon Ranges New Format Planning Scheme, Panel Report, March 1999.

¹⁴ 1.2.3 Rural Areas, page 10, Macedon Ranges New Format Planning Scheme, Panel Report, March 1999.

¹⁵ 1.2.1 Population Growth, page 4 Macedon Ranges New Format Planning Scheme Panel Report, March 1999

¹⁶ Recommendations: After Adoption, pages 247 to 250, Macedon Ranges New Format Planning Scheme, Panel Report, March 1999.

Land capability,
Protection of productive and commercially sustainable farms,
Farm restructuring,
Existing fragmentation of land,
Environmental constraints,
Availability of infrastructure and services,
Demand and supply of land,
Landscape objectives,
Guidelines for development,
Tenement controls, and
Opportunities and constraints for rural living.”

The Association submits that as market demand, anecdotal evidence from real estate agents and Council's dubious Equine Strategy are put forward as justification for C110, neither the parent document nor C110 meets the expectations of this important Panel recommendation.

3.3 Panel Recommendations Not Implemented

Following are examples of panel recommendations not yet implemented.

4.1 Before Adoption

- Recommendation 4

*“ESO3: apply to all land identified as Class 1 in CLPR mapping of agricultural land.”*¹⁷

4.2 After Adoption 18

Within 24 months of adoption prepare a

Recommendation 3:

Rural character (Natural and Cultural Landscapes) Study for the area of the Shire not contained within the Macedon Ranges Cultural Heritage and Landscape Study

Remnant Indigenous Vegetation Study

Recommendation 12:

Council review its landscape policies based on the Macedon Ranges Cultural Heritage and Landscape Study (1994) to reassess the application of the SLO and provide objectives and guidelines for future evaluation. e

Recommendation 21:

The sites identified in the Rosengren report be considered for inclusion in the SLO.

These include Mount Gisborne, and Mount Aitken.

¹⁷ Recommendations: Before Adoption, page 239, Macedon Ranges New Format Planning Scheme, Panel Report, March 1999.

¹⁸ Recommendations: After Adoption, pages 247 to 250, Macedon Ranges New Format Planning Scheme, Panel Report, March 1999.

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]

3.4 New Format Panel Report Recommendations: Rural Living Area A (RLZ1) Romsey

The new format planning scheme Panel Report discussed rural living zone policy and made a recommendation for RLZ1 land, including land in Romsey affected by Amendment C110:

Discussion

“The RLZ area “A” operates more like RUZ with requirements for minimum balance lot of 40 hectares to meet the clustering option. This is not inappropriate as the area relates to high quality agricultural land.”¹⁹

4.2 After Adoption²⁰

Recommendation 6:

“The strategic review of the rural areas consider rezoning RLZ area “A” to RUZ together with consideration of appropriate subdivision provisions for the area.” [emphasis added]

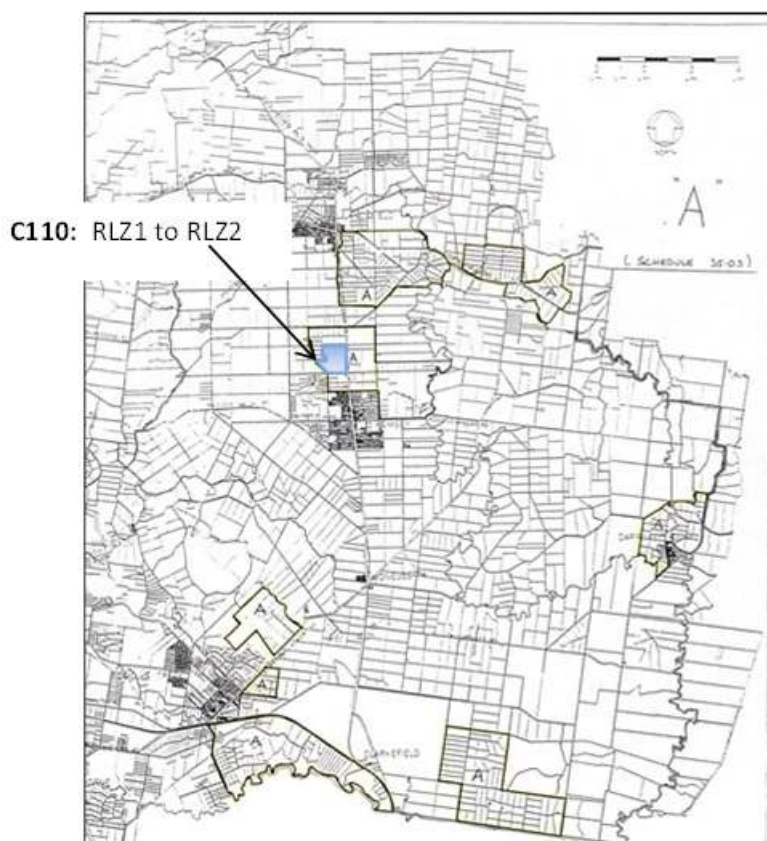


Figure 1 The exhibited map for RLZ1 Area A in Clause 35.03 (1997), new format planning scheme

¹⁹ 1.2.4 Rural Planning Scheme Provisions, Page 13, Macedon Ranges New Format Planning Scheme, Panel Report, March 1999.

²⁰ Recommendations: After Adoption, pages 247 to 250, Macedon Ranges New Format Planning Scheme, Panel Report, March 1999.

Amendment C14 (2004) rezoned land immediately south of the C110 “change area” at Romsey from RLZ2 to RLZ1. The C14 panel’s findings reinforced those of the new format scheme panel regarding application of RLZ1 to protect rural and in particular agricultural land, saying ²¹ that *“this is not the purpose of the Rural Living Zone and it is preferred that the Rural Zone be applied in such circumstances...”*. Instead of recommending the land be rezoned to RUZ, the Panel recommends that Council undertake a broader review of the appropriateness and application of the RLZ1 if it is principally used for protecting agricultural land. *[emphasis added]*

The Association submits that despite two panel recommendations that the use of RLZ1 to protect rural/agricultural land be reviewed for potential rezoning to a Rural (Farming) zone, this was not done as part of the ‘rural living zone review’ underpinning C110. The amendment instead revises the minimum lot size downwards for some areas, including Romsey, to meet ‘potential demand’ without strategic or apparently any other consideration of the zone’s – or the land’s – role.

4 Macedon Ranges Rural Land Review (2002 – 2004)

4.1 Amendment C21/C48

The 2002 Macedon Ranges Rural Land Review produced Amendment C21 which was exhibited in early 2003, and went to Panel in September of that year.

At a strategic level, the Review sought to identify three main rural land use areas: Agricultural Landscapes, Environmental Living, and Rural Living (Figure 2), with a defined strategic framework (vision) for each area, supported by six rural land policies: 22.15 Rural Living; 22.16 Southern Catchments; 22.17 Living Forests; 22.18 Cobaw Biolink; 22.19 Northern Catchments, and 22.20 Agricultural Landscapes.

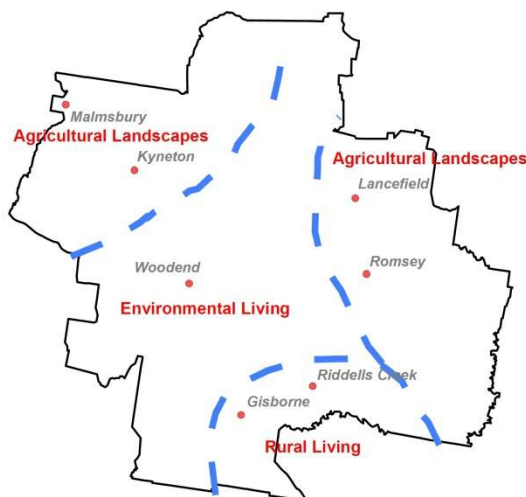


Figure 2 The Rural Land Review’s Rural Land Strategy

C21 proposed prescriptive policy provisions particularly for dwellings in agricultural and catchment areas, and very high minimum lot sizes (e.g. 500ha), restrictions which were off-set by support for rural living in a discrete area in the south of the Shire, between Gisborne and Riddells Creek.

²¹ Amendment C14 panel report, page 22.

The C21 Panel supported the broad strategic direction for that area,²² noting that the blanket application of RLZ5 (while not ideal) was intended to limit further subdivision in the area. The Panel however criticised lack of analysis underpinning the amendment's rural living elements, and considered not supporting them.

The Panel raised concerns with existing rural living areas elsewhere in the Shire, including rural living zones in the Agricultural Landscapes policy area, and whether these would be more suitable for the Rural rather than Rural Living zone. A more detailed analysis, extended to other areas in the Shire either zoned, developed or with potential for rural living use, was needed.

As the Shire of Gisborne had not undertaken a Land Capability Assessment, Amendment C21 relied upon land capability assessment at the time of subdivision application.

The Panel did not support Council's "site-focussed" approach (which continues in Amendment C110), saying Council should be more prescriptive about rural living and to do this, it needed to prepare a comprehensive Shire-wide Strategy.²³

The Panel found there was a clear need for the type of comprehensive Shire-wide rural living strategy that the new format planning scheme Advisory Committee recommended, and itself made the following recommendation (#13):

That Council undertake a Shire-wide rural living strategy that includes detailed analysis and consideration of:

Land capability;

Landscape features;

Impacts on water catchments;

Supply and demand for land (including land subject to and suitable for the Low Density Residential Zones);

Appropriate lot sizes;

The suitability of existing RLZ schedules and their current application;

The most appropriate treatment for de facto rural living areas that are not subject to the RLZ;

The urban growth boundary issues raised in Melbourne 2030, and

Town boundary and density issues raised in the Amendment C8 process.

The Panel formed a number of conclusions about issues affecting the Shire:²⁴

"The protection of water quality should be the primary planning consideration in the Shire's water catchments;

The Shire's agricultural sector... is important locally and should be protected;

Strategies for protecting agriculture should be flexible enough to allow for emerging agricultural trends;

Important areas of remnant vegetation should not only be preserved but also augmented and enhanced; and

The Shire's rural landscapes are key features that need to be protected."

²² 7.7.3 page 79, C21 Panel Report

²³ 6.2 Rural Living, page 57, C21 Panel Report, February 2004.

²⁴ Page 25, C21 Panel Report, February 2004

The Association submits that the “*In The Rural Living Zone*” document and therefore Amendment C110 do not meet the requirements and standards of this second Panel recommendation regarding what must be addressed in a Macedon Ranges Rural Living Strategy.

4.2 Amendment C48

Subsequent to release of the Panel’s report, then Planning Minister Halls offered to translate C21 into the new State rural zones – at no cost to Council.

As Amendment C21 applied the Environmental Rural Zone across a substantial portion of the Shire, its replacement with the Rural Conservation zone caused concern that led to the Farming Zone instead being applied to the Kyneton catchments to acknowledge their agricultural role. To distinguish between the pre- and post-new State zone stages of the amendment, the Minister formally abandoned C21 and replaced it with C48, but they remain the same amendment.

5 2008 ADOPTED RURAL LIVING STRATEGY ²⁵

In 2007, Council commenced a shire-wide Rural Living Strategy in partnership with Conceptz Town Planners, in response to the C21 Panel report recommendations for preparation of such a strategy.

The project focussed on the Low Density Residential and Rural Living Zones, and also reviewed land developed for rural living purposes and less than 16ha in Farming and Rural Conservation zones.

Gaps were identified in Council’s knowledge regarding vegetation, salinity, erosion and significant landscapes that needed to be investigated and then identified in the Planning Scheme through the application of appropriate overlays.

The project outcomes included:

- Assessment of relevant strategic issues - population and housing, settlement, and environmental and economic issues.
- Background report - relevant spatial (land), environmental, social and economic data.
- Development of a rural living vision.
- 12 key strategic principles underpinning consideration of rural living land use and development in the Shire, and application of these to develop a draft strategy including a detailed demand and supply assessment and area analyses.
- Recommendations including changes to the LPPF, RLZ mapping and schedules, new overlays, rezoning land to LDRZ, applying RCZ to high conservation areas, and FZ to areas with agricultural value, supporting actions.

The proposed vision for rural living included adopting a precautionary principle, limiting rural living to a number of discrete nodes in proximity to some of the major townships where land has already been developed for such purpose, ensuring development is cognisant and respectful of significant natural assets, and provides an environmental gain.

Council adopted the draft Rural Living Strategy for exhibition on 24 September, 2008. Nothing more has ever been heard of it.

²⁵ Officer’s report to Council, Council agenda, 24 September, 2008

6 AMENDMENT C84

This amendment was approved by the Minister for Planning in September 2015, at which time it became the Macedon Ranges planning scheme. The amendment began as a vehicle for introducing the Settlement Strategy into the planning scheme, and a policy-neutral translation of the scheme into SPPF format which ended up as a rewrite of the scheme. The MSS components of C84 were based upon a 2005/2008 MSS review, and Amendment C62 (2008), which the Minister for Planning declined to exhibit.

C84 was subject to an interim panel report, and the version approved by the Minister was number 13 or 14, reflecting the succession of changes made to the amendment.

6.1 Removal of C48 Rural Policy and Rural Living Policy Area

Between Council's resolution to send the exhibited C84 to Panel in March 2012, and the Directions hearing in May, where a fourth version of the amendment with additional changes was tendered, the Rural Living Policy Area introduced by Amendment C48 disappeared.

Final Panel recommendations (2014) to *"identify the rural living policy area on the Rural Framework Plan"*, and *"Provisions relating to Rural Living areas, which are currently addressed in Clause 22.15 should be inserted, pending revision after adoption of a Rural Living Strategy"*, were not acted on.

Another recommendation at Clause 21.09-2 *"Provisions relating to Rural Living Areas/rural residential development, which are currently addressed in Clauses 22.17, 22.18, 22.15 should be reinstated, pending revision after adoption of a Rural Living Strategy"*, was not accepted by Council, and are not in the planning scheme today.

6.2 C110 Consequential Changes

The "In The Rural Living Zone" document says, that *"Minor changes may also be required to the MSS and LPPF."* ²⁶

C110 completes the policy change/loss cycle by proposing to delete remaining policy that identifies strategies and objectives that could be perceived as restricting rural living development.

21.02-8 Key Issues and Influences, Dot point 3

~~Deleted~~ "Rural Living development places added pressure on the secondary road network and community services."

21.03-2 Land Use Vision

~~Deleted~~ Since the Shire has a considerable supply of rural residential land, further creation of such lots is restricted. Development of existing lots for rural residential purposes recognises the importance of surrounding agricultural land and protects water supply, native vegetation and landscape characteristics.

21.09-2 Rural Residential

Strategy 1.1

~~Deleted~~ Avoid further creation of rural residential lots particularly in catchment areas, due to the potential impact on water quality

²⁶ Implementing the Strategy: Strategies and Actions, page 13, "In The Rural Living Zone"

Strategy 1.7

~~Deleted~~ Avoid the subdivision of primary or balance lots that have resulted from cluster subdivisions undertaken under former planning controls.

Exercise of discretion It is policy to:

~~Deleted~~ Not support an application of the primary or balance lot where an agreement for cluster subdivision has previously been made. The responsible authority will take the view that previous rights have been exercised.

Specific Implementation

~~Deleted~~ Apply the Design and Development overlay DDO7 (Rural Living areas) and DDO13 (Primary lots) to preserve the rural landscape and ensure new rural development has regard to existing rural character.

The Association submits that claiming these deletions are ‘consequential’ changes goes several steps too far, and is not supportable. The last, DDO7 and DDO13, affects land in Riddells Creek, Romsey, Kyneton, Woodend, and Lancefield, and DDO13 properties in Gisborne by removing the strategic basis for the application of these overlays.

There are also notably provocative statements being added to the LPPF, which suggest C110 isn't a ‘do it once’ scenario.

21.04 Settlement Last paragraph added, page 1 of 5:

New “In the Rural Living Zone Strategic Directions” report informs the overall direction for rural living areas in the Shire to 2045. Key strategic directions provide for 30 years of finite supply across the Shire. Based on recent demand patterns a 30 year supply has the potential for development of approximately 1,000 lots across the Shire. These consist of both existing vacant lots and the creation of additional lots close to the Shire’s District and Large District towns.

“District and Large District towns” – states an intention to put more of this around Woodend, Romsey, Lancefield, Riddells Creek, Romsey, Kyneton and Gisborne.

21.09 Housing: Overview**Paragraph 1**

Housing within Macedon Ranges Shire is predominately detached, and is dispersed across settlements and rural areas in the residential, township, low density residential, rural ~~Deleted residential~~ **New** living, rural conservation and farming zones.

Adds Rural Conservation as a zone where housing occurs. Farming shouldn't be there either.

New Strategy 2.1

Provide for rural living development within the current Rural Living Zone where potential exists to deliver additional rural living land supply

New Strategy 2.2

Support the provision of approximately 270 additional lots in Gisborne South and between Gisborne and Riddells Creek to meet long term forecast demand.

New Strategy 2.3

Support the provision of approximately 100 additional lots in south Kyneton close to the railway station to meet long term forecast demand.

New Strategy 2.4

Support the provision of approximately 30 – 40 additional lots in north Romsey to provide for a greater diversity of lot size and meet demand for smaller lots and potential to further increase supply dependent on demand.

New Other actions of council

New Monitor the release of small lots over a 3 – 5 year period from gazettal of Amendment C110 to ascertain the demand for smaller lots and whether further supply needs to be delivered to the market in appropriate locations. Any locations considered for future changes should be determined by the strategic considerations set out in the In The Rural Living Zone - Strategic Direction report, September, 2015.

Clause 21.13-1 Gisborne: Overview Second last paragraph

The population of Gisborne and New Gisborne is expected to grow from some 6,400 persons in 2006 to approximately 12,070 people in 2031 (Gisborne ODP). This growth, coupled with a decreasing household size and an ageing population created the need for approximately 2,130 additional dwellings by 2031. **New** This includes land in the rural living areas surrounding the township, concentrated in the south and east, where approximately 180 new lots are proposed to achieve demand projection to 2045. Gisborne also has a large supply of existing land in the General Residential zone.

Clause 21.13-5 Riddells Creek Overview New paragraph 4:

New Supply estimates indicate potential capacity for approximately 4,900 people on existing residentially zoned land – further urban land will be required. This includes land in the rural living areas to the west of the township where approximately 90 new lots are proposed to achieve demand projections to 2045.

7 PLANNING SCHEME HISTORY

The Shire of Macedon Ranges was created in 1995 from the former Shires of Gisborne, Romsey, Newham and Woodend, and most of the Shire of Kyneton.²⁷

These former Shires initially operated under Interim Development Orders – the Shire of Kyneton for some 50 years, until approval of its first planning scheme in 1995.

Woodend's planning scheme was approved in 1978, followed by Gisborne (1980), and Romsey (1988²⁸). These schemes contained Statement of Planning Policy No. 8 as over-arching policy, which they were required to implement through prescriptive zones, subdivision restrictions (including tenement controls) and planning provisions that concurrently addressed multiple issues, and were tailored to the needs of towns and rural land in each Shire.

The following sections look at planning changes over time, and are provided to give some perspective to what Amendment C110 is doing, and how (if) it relates to the history of planning for each area.

²⁷ Trentham transferred to Hepburn Shire

²⁸ The Victorian Government Gazette records the first amendment to the planning scheme in March, 1988.

8 GISBORNE: PLANNING SCHEME HISTORY AND IMPACT OF C110

In the late 1970s, Gisborne Shire (with the then State government) successfully completed restructure plans for the entire townships of Mount Macedon and Macedon, and parts of Barringo and Gisborne.

The following series of maps (**Attachment 2**) show zoning changes over time for the areas affected by Amendment C110 (numbered as precincts 1 – 5²⁹) and their surrounds. Maps 1 to 3 show the former Shire planning scheme, changes with the new format scheme, and the effects of Amendment C21/48 respectively. Map 4 shows the effect of Amendment C110.

1) Map1 Gisborne-Riddells Creek: former Shire of Gisborne planning scheme (as at 2000) shows:

- The Macedon Ranges Shire boundary with the City of Melton and City of Hume (both within the Melbourne metropolitan area) to the south.
- A black dotted line showing the boundary between the former Shires of Gisborne and Romsey.
- The **Gisborne Rural zone** (“**Ru**” blue areas). This zone focussed on primary/secondary lot subdivisions as a “once only opportunity”, with a 100ha primary lot and 1 dwelling/20ha density requirement. Excisions and new lots were prohibited. Development plans were required for buildings and works if not in a building envelope on an approved plan of subdivision.
- The **Rural Farmlet zone** (“**RF**” olive areas) which provided for agriculture and farmlet uses to predominate, prohibited subdivision creating new lots, and required a Development Plan for any buildings and works if not in a building envelope on an approved plan of subdivision. Within this zone the **Special Rural Farmlet Precinct** (“**SRFP**” brown area at Emmaline Vale) provided restricted, specific opportunities for subdivision and dwellings.
- The **Residential Periphery zone** (“**RP**” purple and pink areas). Magnet Hill area. Specific controls and subdivision restrictions; 0.5ha subdivision minimum; development plan required.
- The **Landscape Protection zone** (“**LP**” green area) – Shire of Romsey. Prohibited innominate use. Minimum subdivision 40ha; primary/secondary subdivision required 75ha primary lot.
- The **General Farming zone** (“**F1**” pale blue area) – Shire of Romsey. Prohibited innominate use. Minimum subdivision 40ha; primary/secondary subdivision required 75ha primary lot.
- The **Rural Living zone** (“**RL1**” apricot area) – Shire of Romsey. Prohibited innominate use. Minimum subdivision 40ha; primary/secondary subdivision required 40ha primary lot. Zone purposes included “*To provide a permanent non-urban buffer between townships*”, and resubdivision/consolidation “*to provide large holdings for commercial farming purposes*”.

The purpose of these zones was to broadly restrict further subdivision and dwellings except under controlled circumstances, and encourage agricultural/rural land use.

2) Map 2 Gisborne – Riddells Creek: New Format Planning Scheme (2000) shows

- a) The Rural Farmlet zone replaced with the Romsey’s **Rural Living Zone 1** (40ha minimum subdivision).
- b) Former Rural and General Farming zones replaced with the **Rural Zone 3** (“**RUZ3**” - 8ha minimum subdivision). Gisborne’s primary/secondary lot provisions were included in Local policy 22.13, including 100ha primary lots.
- c) **RLZ2** and **LDRZ** replaced the Residential Periphery zone at Magnet Hill (DPO and DDO also applied).

²⁹ “In The Rural Living Zone” document, page 18

- d) Two areas shown as “A” rezoned from Rural to Rural Living 1.
- e) Two areas shown as “B” rezoned from Rural Farmlet to RUZ3 (including land at the C101 Kilmore Road site).

The purpose of these zones, and policy, was to “hold” the land as non-urban.

3) Map 3 Gisborne- Riddells Creek: post C48 Rural Land Review (2006) shows:

- a) The Romsey ‘permanent non-urban buffer’ zone, **Rural Living Zone 1** (40ha minimum subdivision), remains.
- b) All RUZ3 and some RLZ1 zones (shown as “A”) replaced with RLZ5 (8ha minimum subdivision). This provided limited new rural living development opportunities.
- c) Application of DDO13 to land where the option for primary/secondary lot subdivision has been exercised, and section 173 agreements exist. DDO13 prohibits further subdivision of these primary lots.

This area formed the Shire’s “Rural Living policy area”, held as a non-urban break while allowing some new development in accordance with Clause 21.07-3 “Sustainable Rural Land Management”, and Rural Living local policy, Clause 22.15. Neither of these provisions survive, post-Amendment C84.

4) Map 4 Gisborne – Riddells Creek: C110 shows:

- a) At areas A, DDO13 removed.
- b) At areas B, Section 173 agreements to be removed.
- c) At areas C, Development Plan overlays applied to large areas
- d) At area D, 120ha of RLZ1 proposed for Urban Growth Zone in Amendment C100 (total UGZ proposed: 250ha)
- e) Change allows 4ha subdivision on slopes of Mt. Gisborne.
- f) RLZ1 (40ha) and RLZ5 (8ha) rezoned to RLZ3 (4ha)
- g) RLZ 5 rezoned RLZ2 (1ha and 2ha), including the Gisborne escarpment at Kilmore Road

Amendment C110 clearly seeks to overturn existing and previous controls aimed to preserving non-urban land, and non-urban breaks between the metropolitan boundary and Mount Macedon, and between towns, to allow small lot rural-residential development from Gisborne to the Shire’s southern boundary, and between Gisborne and Riddells Creek.

9 ROMSEY: PLANNING SCHEME HISTORY AND IMPACT OF C110

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

The following series of maps ([Attachment 3](#)) show zoning changes over time for the area affected by Amendment C110 (numbered as precinct 6) and surrounding land. Map 4 shows the effect of Amendment C110.

1) Map 1 Romsey: former Shire of Romsey planning scheme (as at 2000) shows:

- The **General Farming zone (F1)**. Minimum subdivision 40ha; primary/secondary subdivision required 75ha primary lot.

- The **Rural Living zone 40ha (RL1)**. Minimum subdivision 40ha; primary/secondary subdivision required 40ha primary lot. Zone purposes included *“To provide a permanent non-urban buffer between townships”,* and resubdivision/consolidation *“to provide large holdings for commercial farming purposes”*. 60m front and 30m side and rear setbacks were required. *Amendment C110 proposes 20m front and 10m ‘other boundary’ setbacks for this zone.*
- The **Town Fringe Residential zone 2ha (R3)**. One of its purposes was to *“contain residential development within defined boundaries and prevent ribbon development along main roads.”* Town Fringe zone 50m front, and 20m side and rear setbacks required. *C110 proposes front 20m, other boundary 10m, setbacks.*
- The **Romsey Special Residential zone (R4)**. This zone provided for low density residential development (including a clustering option) in association with open space (golf course).
- The **Restricted Development zone (RD1)** at the south of the town. The zone required restructure, and included a prescribed subdivision for the land.

All of the above zones defaulted to ‘prohibited’ innominate use. They were designed to implement the 1992 Shire of Romsey Strategy Plan’s objectives for preserving rural landscape qualities and character, strictly limiting growth, ensuring an effective rural landscape buffer on the metropolitan boundary, and ensuring continued use of rural land for productive farming purposes.

2) Map 2 Romsey: New Format Planning Scheme (2000) shows:

- The General Farming Zone replaced by the **Rural Zone 3 (RUZ3)** (as at Gisborne).
- The Rural Living 1 zone translated into **RLZ1** (40ha), and Town Fringe zone into **RLZ2** (2ha).
- The Restricted Development zone south of the town (A) became the only instance of **RLZ3** (8ha) in the Shire.
- Land north of the town (B), previously RL1, rezoned to **RLZ2** in the new format scheme.

3) Map 3 Romsey: post C48 Rural Land Review (2006) shows:

- No change from C21/48 other than the **Farming zone (FZ)** replaces the RUZ3 zone
- Land north of the town (A) rezoned from RLZ2 to RLZ1 (Amendment C14, correction of error).

4) Map 4 Romsey: C110 shows:

- C110 conversion of **RLZ1** (40ha subdivision) to RLZ2 (2ha), leap-frogging RLZ1 (A) closer to the town, into the high quality soil area north of the town. DPO21 is applied.
- **RLZ3** (B) reduced as a consequence of the Romsey Outline Development Plan.

10 KYNETON: PLANNING SCHEME HISTORY AND IMPACT OF C110

Kyneton’s planning scheme approved in 1995 introduced formal overlays to the Shire.

The following series of maps (**Attachment 4**) show zoning changes over time for the area affected by Amendment C110 (numbered as precinct 6) and surrounding land. Map 4 shows the effect of Amendment C110.

1) Map 1 Kyneton: former Shire of Kyneton planning scheme (as at 2000) shows:

*Macedon Ranges: an **ENDANGERED** environment*

- The **Low Density Residential (LDR)** zone set a minimum subdivision size of 5,000m², and setbacks of 50m (street), 20m (other boundary).
- The **Rural Residential (RR)** zone controlled use and development adjacent to water courses and storages and within proclaimed catchments, with strong emphasis upon land management. Minimum subdivision area was 2ha.
- The **Future Urban zone (FU)** identified land set aside for future urban use, on the basis of outline development plans and availability of services.
- The **Rural General Farming B (RU2)** and **Rural Water Catchment (RWC)** zones had 40ha minimum subdivision, and tenement controls over dwelling development. Their purposes also addressed rural landscapes, ecology and habitat, water quality protection and conservation of soil resources.

2) Map 2 Kyneton: : New Format Planning Scheme (2000) shows:

- The **Rural (RU22)** zone (40ha). Replaced Rural Water Catchment and Future Urban zones.
- The **Low Density Residential zone (LDRZ)**
- The **Rural Living zone 2 (RLZ2)** 2ha

3) Map 3 Kyneton: : post C48 Rural Land Review (2006) shows:

- The **Farming zone (FZ)** 40ha replaced RU2
- The **Rural Living 5 zone (RLZ5)** 8ha
- The **Low Density Residential zone (LDRZ)**

4) Map 4 Kyneton: C110 shows:

- The **Farming zone (FZ)** 40ha replaced RU2
- The **Rural Living 5 zone (RLZ5)** 8ha
- The **Low Density Residential zone (LDRZ)**
- The **Rural Living zone 2 (RLZ2)** replaces Farming Zone and Rural Living 5

11 MACEDON RANGES SETTLEMENT STRATEGY

11.1 Strategy Findings

Macedon Ranges Settlement Strategy 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 ³⁰ 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.”

³⁰ at page 5

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

“It is recommended each town does not exceed the recommended population levels since these levels reflect the overall analysis of infrastructure capacity and environmental and other constraints.”³¹

The Strategy:³²

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

Figure 3 shows the Strategy’s recommended population projections

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

**Figure 3 Macedon Ranges Settlement Strategy:
Recommended Population Projections 2006 – 2036 for Macedon Ranges Shire**³³

11.2 Relationships With Amendment C110

The Association has previously submitted that the population growth inherent in C110 is additional to the Macedon Ranges Settlement Strategy’s growth recommendations. The Strategy provides no evidence of any need for C110, and consequently, we submit C110 cannot claim support from that Strategy.

Four towns are affected by C110’s growth proposals: Gisborne, Romsey, Kyneton, and Riddells Creek. We would like to address each in turn.

³¹ Page 2, Executive Summary, Macedon Ranges Settlement Strategy, 2011

³² Methodology for residential land supply assessment is provided at Appendix 4 page 1, Macedon Ranges Settlement Strategy.

³³ Page 3, Table 1, Macedon Ranges Settlement Strategy 2011

Gisborne

In **Figure 3**, Gisborne has a 2006 population of 8,900 people, projected to grow by 5,800 to 14,700 in 2036.

Figure 3 also shows that 2,200 lots are required to accommodate this growth, and that Gisborne has a low end land supply of 3,320 lots in existing residentially zoned land – 1,100 lots more than it needs to accommodate growth out to 2036. (upper end land supply: 4,180 lots)

The Settlement Strategy says of Gisborne: ³⁴

“The existing zoning of Gisborne provides substantial potential for residential growth.

Additional opportunities for urban development are identified in the Gisborne ODP.

Any change to Rural Living will be considered as part of the Rural Living Strategy.”

Of Gisborne, the Settlement Strategy also says: ³⁵

“... it is recommended Gisborne could accommodate a population of approximately 14,700 in 2036. This represents the population anticipated by the Gisborne ODP, plus the population of the surrounding rural living land. As there is an estimated existing land supply for approximately 17,000 people in Gisborne, there may be potential for controls in the future to restrict growth above the recommended population.” [emphasis added]

Romsey

In **Figure 3**, Romsey has a 2006 population of 4,100, projected to grow by 1,900 to 6,000 in 2036. **Figure 3** also shows 760 lots are required to accommodate growth, and that Romsey has a low end land supply of 760 lots (upper end supply: 1,240 lots).

The Settlement Strategy says of Romsey: ³⁶

A key physical constraint to growth in Romsey is the need to preserve the rich agricultural soils surrounding the town. While additional work should be undertaken to further assess the value of the agricultural land surrounding Romsey, indicative assessments indicate the footprint of Romsey should not be extended. Since the precautionary approach must be adopted, the population Romsey is expected to accommodate should be limited to the current carrying capacity of the land.

The Strategy further says: ³⁷

The recommendation [of 6,000 people] is consistent with the Romsey ODP.

Preserves the rural town character and the lifestyle this delivers.

Ensures the conservation of rich agricultural land beyond the town boundary by preventing expansion of the urban footprint

Such a level of growth could be met by existing infrastructure and service capacity while ensuring significant growth is not promoted along the Melbourne-Lancefield Road.

Kyneton

³⁴ Page 29, Opportunities for Development, Macedon Ranges Settlement Strategy, 2011.

³⁵ Page 29, Recommended Outcome, Macedon Ranges Settlement Strategy, 2011.

³⁶ Page 64, Constraints on development, Macedon Ranges Settlement Strategy, 2011.

³⁷ Page 64, Justification of the recommendation, Macedon Ranges Settlement Strategy, 2011.

In Figure 3 Kyneton has a 2006 population of 5,700 people, projected to grow by 2,900 to 8,600 in 2036. Figure 3 also shows 1,310 lots are required to accommodate growth, and Kyneton has 1,310 lots available as low end supply. The town has an upper end land supply (including rural living zone land excluded from low end supply) of 2,210 lots. Figure 4 shows the town (red), the Kyneton Study Area (white) and the ring of existing rural living zoned land around the town.



Figure 4 The Settlement Strategy's Study Area for Kyneton, showing the extent of existing RLZ zoned land around the town.

The Settlement Strategy says of Kyneton:³⁸

The principal impediment to developing Kyneton to the level forecast through the application of the VIF figures, (i.e. 8,900) is the level of historical demand. The low projection of growth (6,000 reflects the magnitude of growth Kyneton has experienced over the past 15 years – just 10 people per annum (Figure 5).

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

Figure 5 Population growth scenarios considered for Kyneton³⁹

The Settlement Strategy further says:

In the surrounding rural living areas, potential restrictions exist on development on unsewered land in water supply catchments. This may result in this land being unable to reach the planning intensity unless the reticulated sewer system is extended.⁴⁰

No further land is expected to be required to be rezoned for residential purposes out to 2036.⁴¹

³⁸ Page 6, Appendix 3, Population Growth Scenarios, Macedon Ranges Settlement Strategy, 2011

³⁹ Appendix 3, page 6, Macedon Ranges Settlement Strategy: Table 7

⁴⁰ Page 35, Constraints on Development, Macedon Ranges Settlement Strategy, 2011.

⁴¹ Page 35 Implications, Macedon Ranges Settlement Strategy, 2011

Kyneton's residential edge to the south and west of the town centre hold significant landscape and cultural values, which line the Campaspe River.

Potential Threats to character:

*Significant expansion of development on the south side of the Campaspe River and beyond the valley edge.*⁴²

*Loss of the river, railway line and freeway as defining edges to the township.*⁴³

Given the low historical growth rate in Kyneton, the Association raised concerns with the C99 Panel about the level of expansion proposed at Kyneton, including in the Structure Plan, as shown in Figure 6 and Table 1.

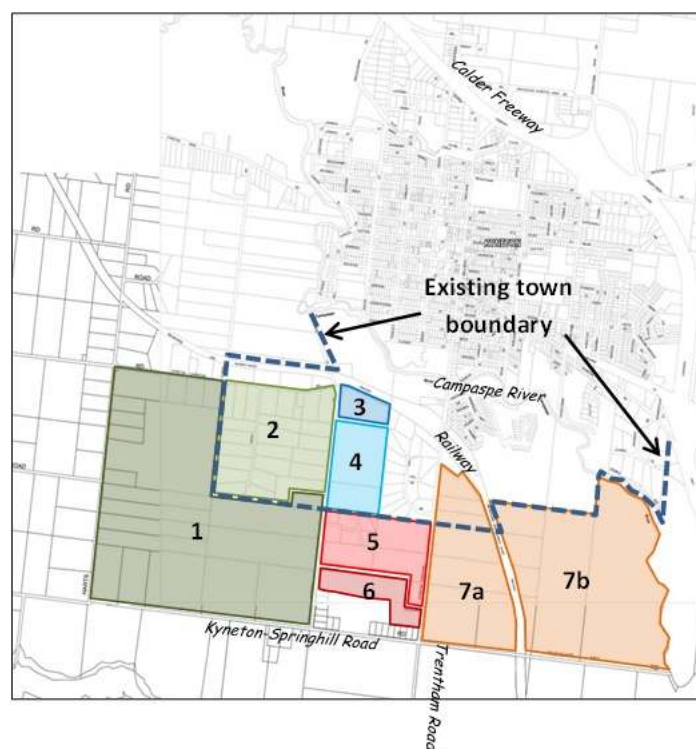


Figure 6 Proposed growth areas at Kyneton

Table 1 Growth Proposed In Kyneton (additional to township infill)

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

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

⁴² Page 34, Township Character, Macedon Ranges Settlement Strategy, 2011

⁴³ Page 34, Macedon Ranges Settlement Strategy, 2011

Riddells Creek

Figure 3 showed Riddells Creek had a 2006 population of 3,500, growing by 2,600 to 6,100 people in 2036. Figure 3 also shows Riddells Creek needs 920 lots to accommodate this growth and has a low end lot supply of 520 (upper end lot supply: 1,350). The Settlement Strategy assigned Riddells Creek full VIF population projections.

Amendment C110 affects the Riddells Creek Study Area (shown within the red line in Figure 7) which extends to the Shire's southern boundary with the City of Hume. The Association put its concerns with Riddells Creek to the C100 Panel. The problem as we see it is:

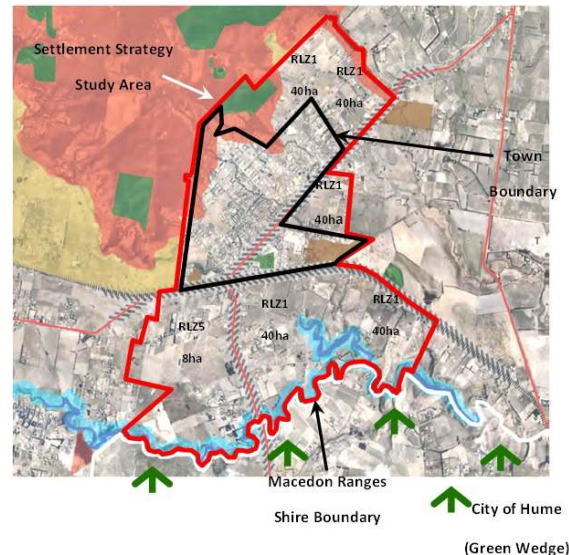


Figure 7 The Riddells Creek Study Area, which includes land affected by Amendment C110

For 2006 population, the Settlement Strategy counted the number of people inside the *Study Area* (a much bigger area than the town).

A growth scenario (Victoria In Future) was then applied to the *Study Area's* population to produce a population projection for 2036. This population figure relates to the Study Area, not the town.

Even though the Settlement Strategy counted rural living zoned land as part of Riddells Creek land supply, instead of dispersing growth across the Study Area, all of the 2036 Study Area growth is being directed into the town. Which is why Riddells Creek needs to rezone land.

At the same time, Amendment C110 is proposing to put new development and additional population in the Riddells Creek Study Area. We have asked the C100 Panel to consider whether this constitutes 'double dipping'.

Figure 8 shows the land counted in low and upper end land supply for Riddells Creek. Rural Living zoned lots shown in purple are also proposed to be rezoned in C110.

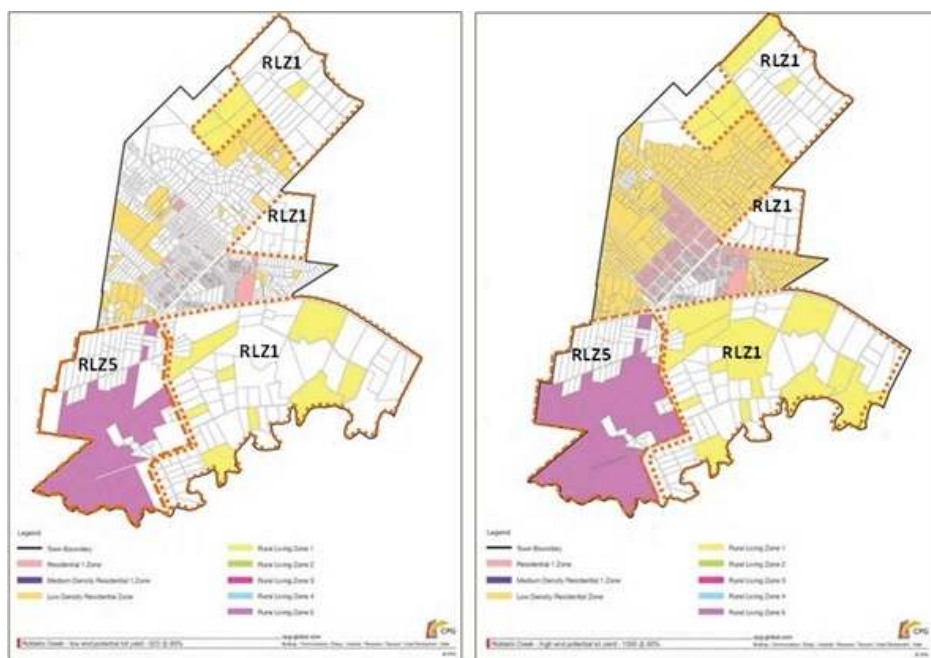


Figure 8 Riddells Creek Study Area estimated residential land supply: lower end (left, 520 lots) and upper end (right, 1,350 lots). Land supply included RLZ zoned land.

Figure 9 shows the zoning changes proposed in C110.

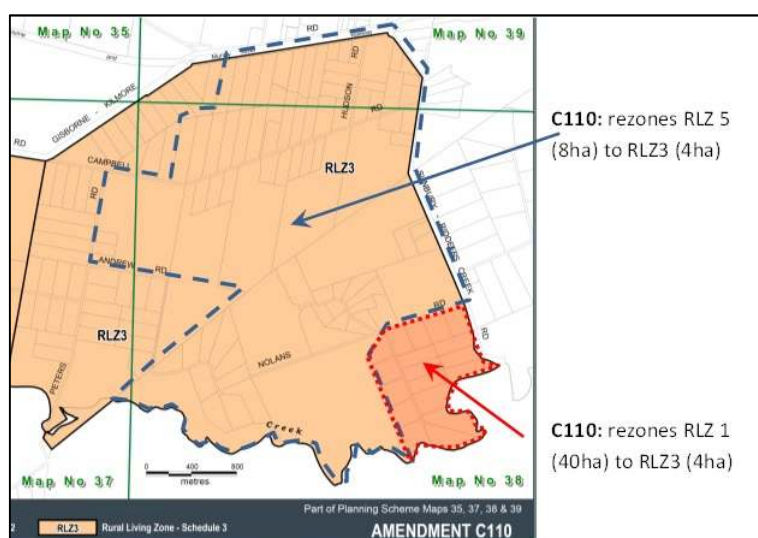


Figure 9 Zoning and subdivision size changes proposed within the Riddells Creek Study Area by Amendment C110

The Association submits that rather than offering any support to Amendment C110, the Settlement Strategy instead confirms there is no requirement for additional land in Gisborne; there are physical restrictions on residential expansion at Romsey; Kyneton is already awash with growth opportunities and Riddells Creek is now slated for 250ha of Urban Growth Zone in C100.

Kyneton's town boundary has also been changed after adoption of the Kyneton Town Structure Plan, as shown in **Figure 10**, to remove the RLZ5 area affected by C110 from inside the town boundary, and add some Farming zoned land to the south. This has also been raised with the C99 Panel.



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

State policy at 16.02-1 Rural Residential Development, Strategy 3, says:

As there is no support for Amendment C110 in the Macedon Ranges Settlement Strategy, the Association referred to the Macedon Ranges Housing Strategy 2007.

The Strategy is concerned with demographic trends towards smaller households, and new housing developments, almost exclusively homes with three or more bedrooms, on large lots.⁴⁴

⁴⁴ *Page 4 MR Housing Strategy 2007*

“In the context of population and household projections a continuation of present style of housing development will not be sustainable and will be unsuited to the needs of a large and growing proportion of the population.”⁴⁵

The vision for housing in the Macedon Ranges is stated as follows:

“Housing in the Shire is sufficiently diverse to provide affordable, accessible and appropriate choices and opportunities while being sensitive to heritage and rural character and contributing to the sustainability and ‘liveability’ of the Shire “

Rather than supporting the type of dispersed development proposed in C110, the Housing Strategy finds:

“Concentrating future urban development within the boundaries of towns and limited expansion of housing in rural areas and in smaller less accessible communities with few services, will enable future growth without compromising the area’s rural and natural landscape and cultural heritage assets.”⁴⁶

The Association submits that like the Settlement Strategy, there is no support for Amendment C110 in the Shire’s Housing Strategy. As such we submit it does not meet the requirements of State policy.

11.4 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:

- 1) Existing long-term land supply in Romsey and particularly Gisborne, which operate under ODPs approved in 2012;
- 2) Sufficient existing zoned land in the Shire for 2036 growth in all towns except Riddells Creek⁴⁷;
- 3) Residential land supply at Malmsbury and Lancefield surplus to 2036 needs, and some additional growth opportunities identified at Tylden;
- 4) Existing potential for 700 lots (discounted to 574 lots)⁴⁸ in existing Rural Living zones; and
- 5) On-going approval of dwellings in the ‘rural balance’, despite the Settlement Strategy’s ‘no growth’ scenario (3 approved 25 February, 2016).

In addition:

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

⁴⁵ Page 4 MR Housing Strategy 2007

⁴⁶ Page 17, Macedon Ranges Housing Strategy, 2007

⁴⁷ Macedon Ranges Settlement Strategy

⁴⁸ In The Rural Living Zone, Macedon Ranges Shire Council, September, 2015 (Amendment C110)

In addition, Amendment C110⁴⁹ affects some 12,000 hectares and proposes:

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

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

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

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

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

It is crucial that a Shire-wide perspective is taken with regard to growth and rezoning, and that current 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.

The Association further submits that C110's reliance upon Clause 11.02 to justify expanding and intensifying rural living land supply, along with application of a 30 year supply horizon, makes inappropriate use of the policy.

12 AMENDMENT C110

12.1 C110 Strategic Basis

The amendment is put forward on the basis that it derives strategic justification from responding to market demand, the advice of real estate agents, and from Council's Equine Industry Strategy.

The Association submits the potential deficiencies in the first two are obvious. The deficiencies in the third were articulated by the C84 Panel (**Attachment 5**).

12.2 Reduction of the Lot Size Permit Trigger For a Dwelling – RLZ1

C110 is quietly changing the RLZ1 schedule to only require a permit for a dwelling on lots less than 10ha. The current requirement is for a permit on lots less than 40ha. By the Association's calculation, this change affects some 8,500ha across the Shire, including land in sensitive locations, such as Mount Gisborne.

The Association strongly opposes this change, and asks that it not be supported, if the amendment proceeds.

Table 2 shows the changes C110 makes, and how far they reach. Results are sorted into Statistical Local Areas.

⁴⁹ Amendment C110 implements the "*In The Rural Living Zone*" report, Macedon Ranges Shire Council, September 2015

Table 2 Reach and Effect of the Amendment

General Location	Total Land Affected (ha)	RLZ1 to RLZ3 (ha)	RLZ1 to RLZ2 (ha)	RLZ3 ⁵⁰ (current zone) (ha)	RLZ5 to RLZ3 (ha)	RLZ5 to RLZ2 (ha)	RLZ5 to RLZ2 (2ha & 1 ha)	FZ to RLZ2 ha	Reduced 40ha to 10ha house permit trigger (RLZ1 schedule) (ha)
Balance SLA									
Gisborne South	2,313	415			1,119	140			639
New Gisborne	331								331
South of Kilmore Road	378						378		
Campbell's Road area	1,062				1,062				
Nolans Road	92	92							
Macedon	219								219
Woodend	123								123
Total rezoned	3,207	507			2,181	140	378		
Total affected RLZ1 schedule	1,312								1,312
TOTAL LAND AFFECTED	4,519								
Romsey SLA									
Lancefield district	2,027								2,027
Romsey (N of Ochiltrees Rd)	270		130						140
Romsey (S of Ochiltrees Rd)	67								67
Romsey East	902								902
Romsey South	12			12					
Darraweit Guim	657								657
Fenton Hill (Clarkefield)	1,320								1,320
Clarkefield	10.4								10.4
Riddells Creek (south)	1,359								1,359 ⁵¹
Riddells Creek (Amess Rd)	130								130 ⁵²
Riddells Creek (Mt. Charlie Rd)	460								460
Total Rezoned/reduced lot size	142		130	12					
Total affected RLZ1 schedule	7,072								7,072
C110 TOTAL LAND AFFECTED	7,214								
Kyneton SLA									
Harpers Lane						65		200	
Total Rezoned/reduced lot size	265					65		200	
Total affected RLZ1 schedule									
C110 total land affected	265								
SHIRE WIDE									
Total Rezoned/reduced lot size	3,613	507	130	12	2,181	205	378	200	
Total affected RLZ1 schedule									8,384
TOTAL LAND AFFECTED	11,998								

⁵⁰ Current RLZ3 South Romsey: minimum lot size is changed from 8ha (existing) to 4ha (C110)

⁵¹ 120ha proposed UGZ, Amendment C100

⁵² 130ha proposed UGZ, Amendment C100

The Association submits this amendment isn't just changing subdivision sizes. The effect of NOT requiring permits for houses unless lots are smaller than 10ha could be far-reaching - this zone is applied to Mount Gisborne, the rich soils at Romsey and Lancefield, and to what will remain of the rural buffer with metro Melbourne at Riddell.

12.3 Extent of C110 Investigations and Studies

It is concerning that an amendment of this scale has been based on a late-arriving Flora and Fauna Assessment, and an even later Fire Assessment. Neither document was exhibited.

Even then, these assessments focussed on the area between Gisborne and Riddells Creek. The area to the south west, near the State significant features of Mount Aitken and Mount Gisborne, has not had the benefit of any study or assessment at all, as far as we know.

Likewise, we are unaware if there has been any attempt to assess the landscapes affected by this amendment.

Council's response has generally been the land is already zoned for rural living.

The Association submits this response overlooks the State level significance of landscapes, high quality soils, water catchments, and the Farming zone affected by the amendment, all of which warrant specific assessment.

12.4 Loss of Rural Buffers

State policy at Clause 11.12.05 Natural and Built Environment says *"Maintain non-urban breaks between settlements."*

There are Green Wedges on the other side of our Shire boundary.

Statement of Planning Policy No. 8 says:

"There is a need to retain a buffer zone of predominantly rural land-uses between any concentrated urban development at Sunbury and the major recreational and scenic attractions, water catchments and forest resources of the Macedon Range. This can best be achieved by the encouragement of legitimate farming concerns in the intervening areas, by the prevention of small rural subdivisions, controls on allowable residential density, regulation of landuses, including building works, and the introduction of a rural scale of municipal rates to reduce the economic pressures on farmers in the area."

The Explanatory Report says the amendment manages "the need to maintain sparsely settled rural zoned land as buffers between settlements and metropolitan Melbourne". **The Association submits** the amendment not only fails to do this, it fails meet policy requirements for it to be done.

12.5 Primary / Secondary Lot Subdivisions

The former Shire of Gisborne undertook a major strategic review of its non-urban zones circa 1994 (Amendment L24), reducing some eight rural zones to two, which affected subdivision 'rights' conferred under the old zones. Gisborne's Incorporated Document 8 listed properties and permissible primary/secondary lot development for each. These were edited to remove properties that had already exercised development 'rights', and reluctantly moved forward into the new format scheme in local policy Clause 22.13

When Amendment C21 proposed rezoning rural zone to rural living zone around Gisborne, how to avoid resubdivision of primary lots and additional subdivision became an important issue. C21/C48 addressed this problem in three ways:

*Macedon Ranges: an **ENDANGERED** environment*

- a) Deleting Clause 22.13;
- b) Introducing policy at replacement Clause 22.15 *Rural Living* that Council will not support subdivision of primary or balance lots that have resulted from cluster subdivisions undertaken under former planning controls
- c) Applying Design and Development Overlay 13 to primary lots to protect them from further fragmentation and preserve the rural landscape.

Amendment C110 deletes the policy statement re avoiding further subdivision of primary or balance lots from Clause 21.09-2 Rural Residential Housing, Strategy 1.7 and Exercise of Discretion, and also deletes DDO13 from two of the largest primary lots in Gisborne: The property on Jacksons Creek escarpment at Kilmore Road (which has already exercised an option for a 19 lot subdivision), and historic Gisborne Park.

The “*In The Rural Living Zone*” document proposes to remove another three S173 agreements (page 18), and at page 17 says, “*The removal of DDO13 and where possible the cancellation of Section 173 agreements may allow for the creation of opportunities for more appropriately sized rural living lots.*”

12.6 C110 Application of DPOs

Concerns are:

- a) C110's intention to apply DPOs to hundreds and hundreds of hectares of land in multiple ownerships.
- b) No direct reference in DPO schedules to how the land will be used (i.e. (rural) residential use), including in the reasons for developing the DPO schedule).
- c) Exemptions in schedules for construction of dwellings and outbuildings on existing allotments before a development plan is approved.
- d) Sporadic application of the overlay – some areas of change are included, others are not (including historic Gisborne Park where the DDO13 is being removed).

Practice Note 23 *Applying the Incorporated Plan and Development Plan*⁵³ overlays says:

- The Incorporated Plan overlay should normally be used for sites that are likely to affect third-party interests and sites comprising multiple lots in different ownership.
- Because it has no public approval process, the Development Plan overlay should normally be applied to development proposals that are not likely to significantly affect third-party interests, to self-contained sites where ownership is limited to one or two parties, and sites that contain no existing residential population and do not adjoin established residential areas.

The Association submits:

- a) The sheer scale of DPO application, its rural context, and Practice Note 23 raise doubts whether the amendment is making proper use of the VPPs
- b) Land affected by the DPOs includes some residents who do not support C110
- c) The DPO schedule requirement for reticulated water to be provided highlights the fact that reticulated services are not presently available in the areas proposed for development.

⁵³ Page 3, *Deciding which overlay to use*

12.6.1 MRRA request to Panel, that if the amendment proceeds:

- A. Panel consider whether an Incorporated Plan overlay is more appropriate than the Development Plan overlay.
- B. It be made clear what uses are anticipated, and where.

12.7 C110 RLZ Zone Schedules

C110 proposes to introduce setbacks to rural living zone schedules. Setbacks have not been included since the scheme was approved in 2000. At face value this is an improvement over the existing scheme. However, despite minimum subdivision sizes varying from 40ha, to 8ha, to 4ha to 2ha to 1ha, the proposed setbacks are all identical: 20m from frontages, 10m from other boundaries; and 40m from a dwelling not in the same ownership.

In contrast, the former Shire of Romsey set 60m front and 30 metre side/rear setbacks for what is today the RLZ1 zone.

Maximum floor areas for which a permit isn't required to alter or extend an existing dwelling, construct an outbuilding and alter/extend an existing building used for agriculture are not set in the schedule.

12.8 Fire

C110 has been put forward on the basis that it doesn't affect any land with a Bushfire Management Overlay applied. Yet a BMO is applied in South Gisborne. Of even more concern is the landscape risk in that area. The City of Melton and Shire of Moorabool have extensive BMOs applied to the south and west, and Macedon Ranges also applies extensively to the Pyrete State Forest (which includes a Land Conservation Council Reference Area) and Bullengarook area (Figure 11)..

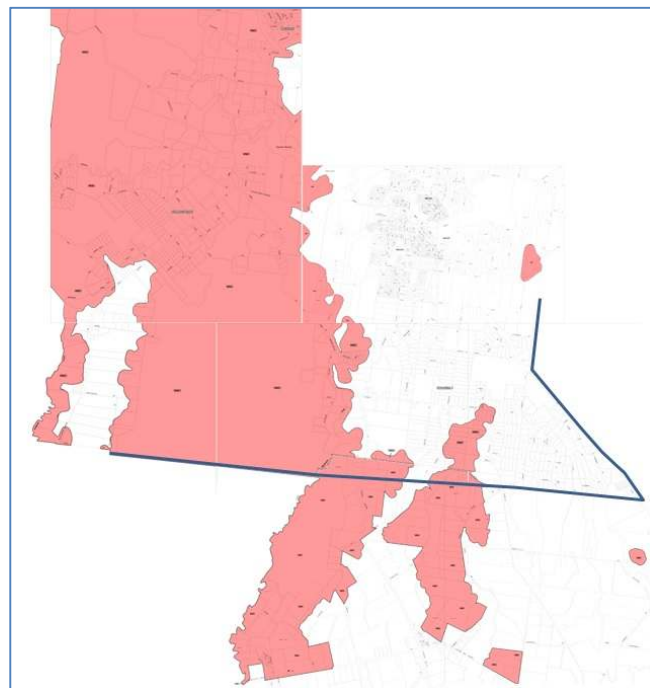


Figure 11 BMO applied to South Gisborne, Pyrete State Forest and City of Melton (blue line represents Macedon Ranges Shire boundary)

Increased landscaping (to hide development) and diminished grazing will add to fire risk near the creek and escarpment. Figures 12 and 13 show the 2014 fire that burnt 5 houses and across to Riddell very quickly.



Figure 12 Fast moving grassfire approaching Riddells Creek from south of the railway line, 9 February, 2014, and the track taken by the fire.



Figure 13 Herald Sun, 9/2/14 "A fire burns through the Gisborne area."

13 SIGNIFICANT LANDSCAPES

One of the most distressing aspects of Amendment C110 is the permanent damage it would do to the irreplaceable landscape at the southern gateway to the Shire. This spectacular open, pastoral landscape frames the Macedon Range – and announces Macedon Ranges Shire. Its protection has been a policy imperative for 40 years.

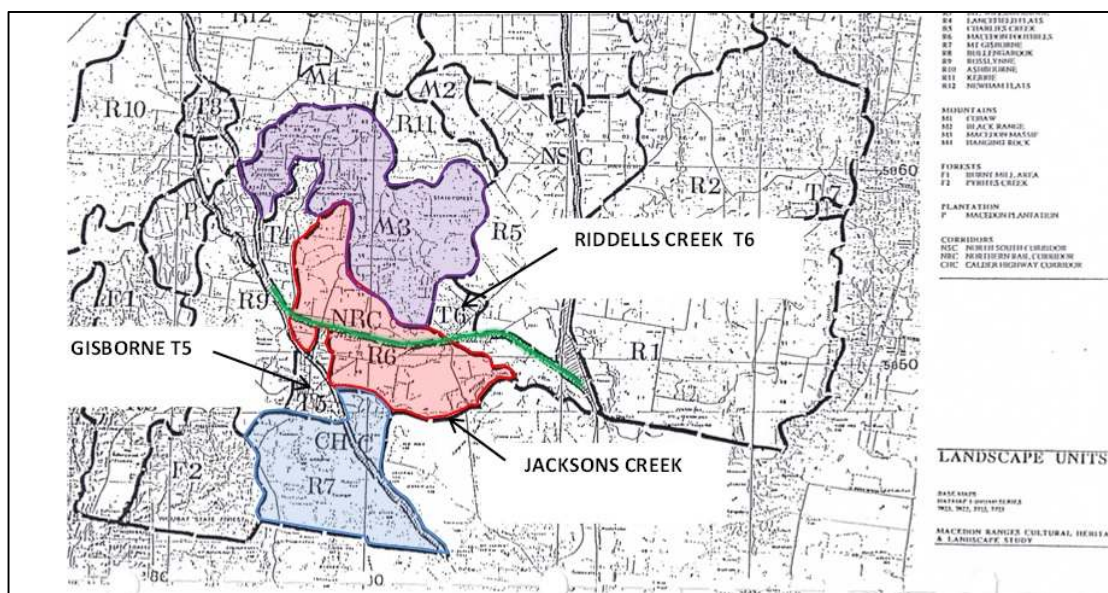
13.1 Macedon Ranges Cultural Heritage and Landscape Study⁵⁴

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

“The landscape encompassed within the [former] Shires of Gisborne, Romsey and Newham/Woodend is critical in the contemporary character of Australia.”⁵⁵

“The special qualities of this landscape have been recognised for more than one hundred years.”⁵⁶

The Study's findings for landscape units for the land around Gisborne, and between Gisborne and Riddells Creek, (shown in **Figure 14**) are provided below.



**Figure 14 Landscape units in areas affected by C110 changes
(Macedon Ranges Cultural Heritage and Landscape Study⁵⁷)**

R7 The **Mount Gisborne** landscape unit⁵⁸ is of local and typical/representative significance, and includes two geological features – Mount Gisborne and Mount Aitken – which are of State significance. The Study says:

⁵⁴ TBA Planners / Trevor Budge & Associates in conjunction with Graeme Butler & Ass., Francine Giffedder & Ass., Dr. Chris McConville & Ass., Juliet Ramsay, Gini Lee, Steven Matthews. 1994

⁵⁵ Volume 2, Environmental History, 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.

⁵⁶ 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.

⁵⁷ Macedon Ranges Cultural Heritage and Landscape Study, Landscape Unit Map, Volume 3, Landscape Units

⁵⁸ Macedon Ranges Cultural Heritage and Landscape Study: Rankings – page 9 App 2, Vol 2; Landscape Unit – page 41, Volume 2.

“The Calder Highway sweeps the traveller into the open landscape of the Mt. Gisborne area with Mount Macedon being a destination feature... the abrupt plunging landform of the Macedon River creek gorge promotes sensation of surprise and fascination when met for the first time.”⁵⁹

- **NRC The Northwest Rail Corridor** landscape unit⁶⁰ is a landscape of State significance.
- **R6 The Macedon Foothills** landscape unit⁶¹ is of State / Regional significance, and includes lands from Mount Macedon south to the Calder Highway (including the northern side of Jacksons Creek gorge), and east to Riddells Creek. Mount Macedon is a dominant presence. *This unit includes the land between Gisborne and Riddells Creek C110 proposes for intensified rural living and new development at Kilmore Road on the Jacksons Creek escarpment.*
- **M3 The Macedon Massif** landscape unit⁶² is a landscape of State significance. *Although not directly impacted by C110, the proposed development will clutter the important open landscapes that allow sweeping views to the Range from road, and rail.*

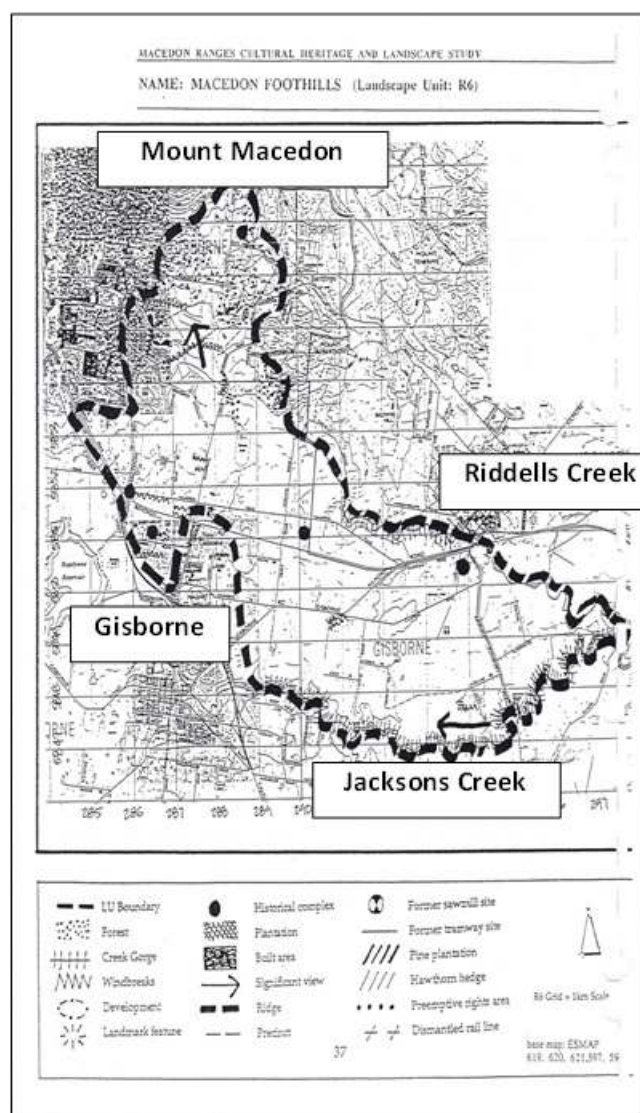


Figure 15 The Macedon Foothills Landscape Unit

⁵⁹ Macedon Ranges Cultural Heritage and Landscape Study: Vol. 3, Landscape Units and Heritage Precincts, Page 42.

⁶⁰ Macedon Ranges Cultural Heritage and Landscape Study: Rankings – page 9 App 2, Vol 2; Landscape Unit – page 111, Volume 2.

⁶¹ Macedon Ranges Cultural Heritage and Landscape Study: Rankings – page 9 App 2, Vol 2; Landscape Unit – page 34, Volume 2.

⁶² Macedon Ranges Cultural Heritage and Landscape Study: Rankings – page 9 App 2, Vol 2; Landscape Unit – page 82, Volume 2.

The Cultural Heritage and Landscape Study says:

“One of the most important findings to arise from the study is the importance of the area as a national asset. The area has been recognized at the State level through Statement of Planning Policy No. 8 (the emphasis of the policy being on the area’s importance for water catchment, nature conservation and recreation).

The region does however provide a significant collection of heritage buildings and gardens which may be unique in Australia’s history, therefore signifying the relevance of a statement of national and state significance.”⁶³ [emphasis added]

“Of the thirty landscape units identified in the study, the landscape units which collectively are Mt. Macedon are of national significance.”⁶⁴

“The Calder Highway and the Bendigo–Melbourne railway line are significant at a State level...”⁶⁵

13.2 Gisborne, Jacksons Creek Escarpment and Mount Macedon

The Association submits the impact of development on the Jacksons Creek escarpment would be irrecoverable.

Figure 16 shows the wealth of planning controls applied along the escarpment, including Design and Development Overlays, Restructure Overlays, and Rural Conservation Zone through the centre of Gisborne and along the valley. It would have been expected that the DDO13 on the Kilmore Road property offered sufficient protection. C110 removes it.

“Farmlet” subdivisions increase the density of landscape “features” in rural areas thereby decreasing “rural character”, and contrasts with urban environments.

Gisborne township provides an example of the sensitivity of some landscapes to residential development. One of the attractions of Gisborne is the way in which it is “nestled” into the valley of Jackson’s Creek. This produces sharp visual contrasts between the urban and rural landscapes as one ascends or descends the crests of the volcanic escarpments on each side of the Jackson’s Creek valley, and urban development along the escarpment would detract from this effect.

Statement of Planning Policy No. 8, page 16 Explanatory Report.

⁶³ Page 37, Volume 1, Macedon Ranges Cultural Heritage and Landscape Study, 1994.

⁶⁴ Page 7, Volume 1, Macedon Ranges Cultural Heritage and Landscape Study, 1994.

⁶⁵ Transport Corridors Page 49, Volume 1, Macedon Ranges Cultural Heritage and Landscape Study, 1994.

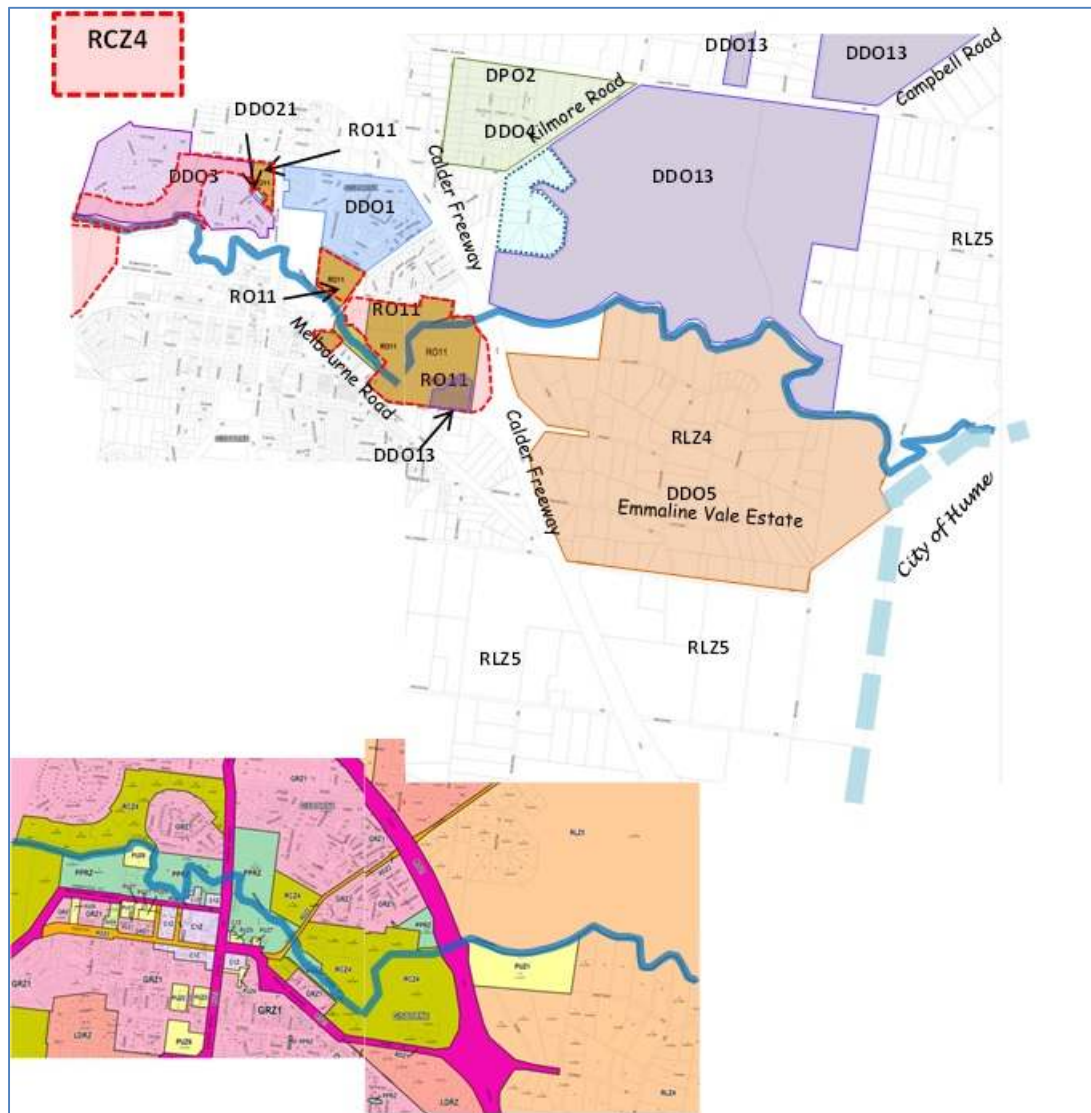


Figure 16 Planning Protections For The Jacksons Creek Escarpment

Gisborne New Gisborne Outline Development Plan, 2009

Key influences recognised in the Plan include:

Protecting the semi-rural landscape along the Calder Freeway, the railway corridors and township entrances;

Maintaining the open space corridor along Jackson's Creek and identifying environmental values west of Station Road;

Protecting viewlines between Gisborne and Mt Gisborne, New Gisborne and the Macedon Ranges, and parts of Gisborne to Bullengarook and Magnet Hill;

Clause 21.13-1 of the Macedon Ranges Planning scheme, Gisborne Township Framework Map, says of the Jacksons Creek escarpment:

“Ensure that the Jacksons Creek valley and escarpment continue to be protected from development to maintain the natural setting of Gisborne.”

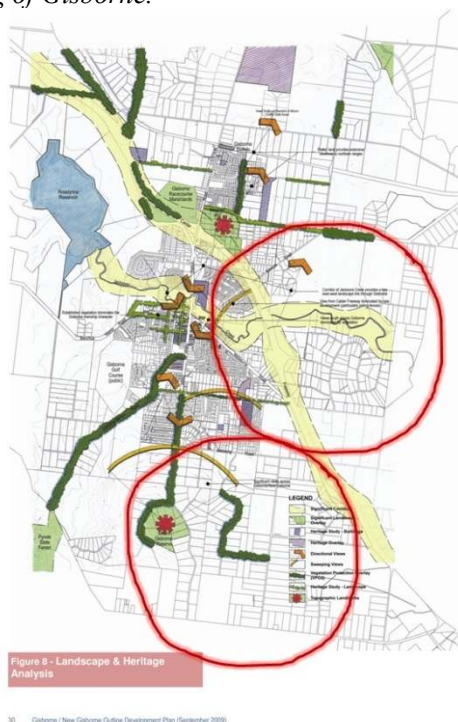


Figure 17 Gisborne ODP: Value Mount Gisborne, Value these views.

13.3 Kyneton Structure Plan

The Kyneton Structure Plan recommends applying a Significant Landscape Overlay over rural land to the south and west of the Kyneton Botanic Gardens and Campaspe River to protect rural views.

Those rural views include land which is proposed to be rezoned from Farming and Rural Living 5 to Rural Living 2 in Amendment C110.

This opportunity is not taken up in Amendment C99. Council has said that an SLO is not required. Existing Farming zone, Land Subject to Inundation overlay and the Environmental Significance overlay (ESO4) applied to protect water quality in the Eppalock Special Water Supply Catchment provide sufficient protection.

13.4 Romsey Landscapes

Romsey is within the Lancefield Flats Landscape Unit (R4) in the Macedon Ranges Cultural Heritage and Landscape Study.⁶⁶ The Study uses the word “integrity” often in describing the landscapes around Romsey, and Lancefield.

Agricultural and Pastoral

“The largely unaltered pastoral aspect of the unit has an important landscape quality in the area. Generally township and settlement development is contained without evident sprawl, and despite altered pastoral subdivisions from early runs, the integrity of the unit as a continuous landscape across the northern units is important.”

⁶⁶ Page 21, Volume 3

13.5 SPPF Clause 12.04 has the following requirements:

12.04-1 Environmentally sensitive areas:

Objective:

To protect and conserve environmentally sensitive areas

Strategies:

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

The Association submits Amendment C110 does meet the policy requirement to 'protect'.

14 PLANNING POLICY AND REGULATORY FRAMEWORK

14.1 Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds

The Statement of Planning Policy No. 8 Explanatory Report says of this area:

*"This range and its surrounds represent one of the most outstanding natural areas to the north west of Melbourne. The area's importance derives principally from its proximity to Melbourne and its abundance of natural attributes."*⁶⁷

2. The planning policy to be applied in the area is:

*2.1 Protection and utilization of the resources of the Policy Area for water supply, tourism and recreation, and nature conservation shall be **the primary concern**.*

2.3 All development in proclaimed water catchment areas and in elevated areas shall be strictly limited and regulated to protect water quality, and maintain or enhance natural systems and landscape character.

2.6 Elsewhere in the Policy Area urban development shall be provided for only in association with existing township areas and shall be co-ordinated on a regional basis.

2.7 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.

3. The major factors influencing the Statement of Planning Policy are:

3.1 The outstanding quality and range of the natural resources of the Policy Area, having regard particularly to its close proximity to Melbourne and its especial value and availability to the people of the northern and western sectors of the metropolis.

3.2 The importance of the water resources of the Policy Area to urban and local water supply systems, together with the sensitive relationship between land use in water catchments and the quality of water produced from them.

3.6 The distinctive character of the Policy Area deriving from its complex geological features of scientific and educational value.

⁶⁷ Page 4, paragraphs 1 and 2

3.7 *The high quality of landscapes, both natural and man-made in the Policy Area.*

3.8 *The physical attractiveness of the Policy Area, which increasingly generates demand for residential development.*

3.9 *The extensive and indiscriminate past subdivision of the Policy Area.*

3.10 *The unacceptable detriment to the valuable landscape, recreation, water and nature conservation resources, which would ensue if all subdivided land in the Policy Area were to be developed for residential purposes-and the need to develop equitable policies to avoid that result.*

3.11 *The extent of demand for and speculation in land in the Policy Area giving rise to escalating land prices which militate against economic farming and result in accelerating pressures for further subdivision.*

3.13 *The fire hazard resulting from the combination of inflammable fuels, buildings and general human activities in forest environments.*

3.15 *The important role of existing settlements in relation to the character, functioning and future of the Policy Area.*

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

4.5 *The preservation of landforms and geological features of special scientific or educational value.*

4.8 *Control of subdivisions to ensure that the pattern and size is consistent with the Policy...*

4.9 *Review and evaluation of existing subdivisions and their capacity for development without detriment to the area...*

4.10 *Formulation of restraints and proposals designed to reduce potential intensity of use and development, particularly in areas of strategic importance.*

4.11 *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.*

14.2 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’.”*⁶⁸

14.3 Loddon Mallee South Regional Growth Plan

The Plan recognises:

*“Pressure for urban and rural residential development in areas of high amenity or natural value, such as the Macedon Ranges, presents a challenge for land use planning...”*⁶⁹

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

⁶⁹ Page 32 12 Environment and heritage Loddon Mallee South Regional Growth Plan

And has the following requirements:

*“The region’s natural tourism assets, such as forests and rivers, need to be protected from development impacts.”*⁷⁰

*Protect and enhance our natural and built environment*⁷¹

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

14.4 Practice Note 37, Rural Residential Development

The Practice Note 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.”

Strategy, page 3:

“A proposal for rural residential development must be considered against the state, regional and local strategic planning policies and objectives for the area. These include:

The objectives and strategies in the MSS and any adopted land use strategy such as a housing strategy or rural land use strategy.

A rural residential development should be capable of broad strategic support across all relevant policy areas.”

The Association submits the amendment does not meet these requirements of the Practice Note. It also doesn’t find support in the Macedon Ranges Settlement Strategy, Macedon Ranges Housing Strategy or the Shire’s rural land use strategy. C110 proposes rural residential development in a special water supply catchment, and on high quality soils.

14.5 Local Planning Policy Framework

21.09-2 Rural Residential Housing

Strategy 1.1

Avoid further creation of rural residential lots particularly in catchment areas, due to the potential impact on water quality

Strategy 1.7

Avoid the subdivision of primary or balance lots that have resulted from cluster subdivisions undertaken under former planning controls.

⁷⁰ Page 25 Loddon Mallee South Regional Growth Plan

⁷¹ Principle 6, and associated Future Directions, page 19 Loddon Mallee South Regional Growth Plan

Clause 21.07 Natural Resources

Objective 3 “To protect the quality soils of land with high capability for agriculture.

Strategy 3.1 Direct residential development away from locations of higher quality productive agricultural land.

15 CONCLUSION

With C110, you could be forgiven for thinking there's a sign at the Shire's boundary that says "Fire Sale". Come and get your piece of State significant landscape, water catchment, or high quality soil.

The amendment is sweeping away anything that gets in the way of doing whatever somebody wants, without regard to the harm and cost doing that causes.

How do you miss the wall of bushfire management overlay at South Gisborne? Who hasn't heard about keeping the rural buffer with Melbourne intact? Who doesn't know Romsey has high quality soils, and Kyneton's in a water catchment?

We submit there isn't anything in this amendment that we can find compatible with the processes currently underway to protect this place. That protection cannot come quickly enough.

Our request to this panel is that Amendment C110 be abandoned.

Our further request is that the Panel recommend the area between Gisborne and Riddells Creek be rezoned Rural Conservation Zone, with a 100ha minimum subdivision size, and that a Significant Landscape Overlay be applied.

“It is worth considering for a moment the type of area and type of problem that the policy deals with.

“...we must constantly remind ourselves of these values and what it will cost us if we fail to plan and manage these valuable resources properly.”

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