

Ref No: 48/02/18/C68

<Date>

Justin Madden MLC
Minister for Planning
c/- Department of Planning and Community Development
Attention: Robert Rorke
Loddon Mallee Region Office
Box 3100
BENDIGO DC VIC 3554

Dear Minister

**MACEDON RANGES PLANNING SCHEME
REQUEST FOR THE MINISTER'S AUTHORISATION TO PREPARE AN
AMENDMENT**

Macedon Ranges Shire Council wishes to prepare an amendment to the Macedon Ranges Planning Scheme the proposed Amendment is referred to as Amendment C68.

The amendment would affects several parcels of land being:.

1. Residential lots on the south side of Jackson Creek Way and Cassandra Drive Gisborne being Lots 60, 64, 65, 68 And 69 PS 432506G and Lots 513, 514, 515, 516, 517, 518, and 519 PS 534632H Parish of Gisborne;
2. North west corner of 29 Melbourne Road Gisborne, Part of Lot A PS302693G Parish of Gisborne
3. Reserve 2 PS 432506G Parish of Gisborne (Certificate of Title Volume 10799 Folio 436) being part of the Jacksons Creek escarpment, adjacent to the Calder Freeway and which is accessed from Jackson Creek Way. Also known as 38a Jacksons Creek Way, Gisborne.
4. Part of Lot 5 on LP205979, Robertson St Gisborne, Dixon field Recreation Reserve
5. Gisborne Racecourse Reserve Marshlands and adjoining reserves including Part Crown Allotment 19B, Crown Allotment 19C, Part Crown Allotment 19 Parish of Gisborne, 21 Webb Court New Gisborne, Crown Allotment 19D (Reserve), Crown Allotment 61A, and Part Webb Court New Gisborne Road Reserve.
6. 20 Robertson Street Gisborne being Lot 1 LP 98085 Parish of Gisborne
7. Part of Hanging Rock Reserve, Straw Lane and South Rock Road being Crown Allotments 7B, 7C, 7D, and 7E Section 2 Parish of Newham.

The proposed Amendment also corrects a wording anomaly at Clause 22.02 which applies to the townships of Gisborne, Woodend, Kyneton, Riddells Creek, Romsey and Lancefield

The amendment proposes to correct a number of errors and anomalies, by seeking to:

1. Rezone the rear portion of Lots 60, 64, 65, 68 and 69 PS 432506G and Lots 513, 514, 515, 516, 517, 518, and 519 PS 534632H Parish of Gisborne from Rural Conservation Zone 4 to Residential 1 Zone.
2. Rezone a small portion at the north-west corner of Lot A PS302693G Parish of Gisborne from Residential 1 Zone to Rural Conservation Zone 4.
3. Rezone Reserve 2 PS 432506G Parish of Gisborne (Certificate of Title Volume 10799 Folio 436) from Rural Conservation Zone 4 to Public Park and Recreation Zone.
4. Rezone the western most part of Lot 5 on LP205979, Robertson St Gisborne from Rural Conservation 4 to Public Park and Recreation Zone.
5. Rezone the western two thirds of Crown Allotment 19B Parish of Gisborne from Public Park and Recreation Zone to Public Resource and Conservation Zone.
6. Rezone Crown Allotment 19C (two parcels) Parish of Gisborne from Public Use Zone 6 (Local Government) to Public Park and Conservation Zone.
7. Rezone 21 Webb Court New Gisborne, Crown Allotment 19D (Reserve); and Crown Allotment 61A from Rural Living Zone 1 to Public Park and Recreation Zone.
8. Rezone 20 Robertson Street Gisborne being Lot 1 LP 98085 Parish of Gisborne from Public Park and Recreation Zone to Business 1 Zone.
9. Rezone Crown Allotments 7B, 7C, 7D, and 7E Section 2 Parish of Newham from Rural Conservation Zone to Public Resource and Conservation Zone.
10. Remove multiple references to the *Macedon Ranges Residential and Industrial Land Review 1999* document as a reference document under Clause 22.02.

A detailed explanation of why the above changes are required is provided in the accompanying explanatory report. This report provides all necessary information having regard to the Advisory Note, *Changes to the planning scheme amendment process (May 2005)*.

Under section 8A (3) of the *Planning and Environment Act 1987*, the Council seeks your authorisation for Council to prepare the amendment.

As the proposed Amendment is of local significance only Council also seeks your authorisation for Council to approve the amendment under Section 11(1)(a) of the *Planning and Environment Act 1987*.

Under Section 20 (2) of the *Planning and Environment Act 1987*, Council seeks the Minister's exemption from the full notification requirements of Section 19 of the Act.

The notice exemption request is deemed appropriate given that the proposed amendment corrects anomalies and errors and does not create a strategic shift from how the affected parcels of land are currently developed or used. As a result it is deemed that no person would be materially affected by the Amendment except to benefit the directly affected landowners. The amendment reflects the wishes of directly affected landowners and land managers who are limited or constrained by the above listed errors and anomalies. The proposed changes are consistent with the strategic objectives and policies of the Macedon Ranges Planning Scheme and the Victoria Planning Provisions.

If you have any queries regarding this matter please contact Sharon Macaulay from the Macedon Ranges Shire Council by e-mail s.macaulay@mrsc.vic.gov.au or telephone 5421 9689.

Yours sincerely

Peter Johnston
Chief Executive Officer

Encl: Explanatory Report
Draft Amendment Documentation

MACEDON RANGES PLANNING SCHEME

PROPOSED AMENDMENT C68

EXPLANATORY REPORT

Who is the planning authority?

The proposed amendment is to be prepared by the Macedon Ranges Shire Council which is the planning authority for the proposed Amendment. Macedon Ranges Shire Council also seeks to be the approval authority for the Amendment.

Land affected by the amendment.

The proposed Amendment applies to a number of parcels of land being:

1. Residential lots on the south side of Jackson Creek Way and Cassandra Drive Gisborne being Lots 60, 64, 65, 68 And 69 PS 432506G and Lots 513, 514, 515, 516, 517, 518, and 519 PS 534632H Parish of Gisborne;
2. North west corner of 29 Melbourne Road Gisborne, Part of Lot A PS302693G Parish of Gisborne
3. Reserve 2 PS 432506G Parish of Gisborne (Certificate of Title Volume 10799 Folio 436) being part of the Jacksons Creek escarpment, adjacent to the Calder Freeway and which is accessed from Jackson Creek Way. Also known as 38a Jacksons Creek Way, Gisborne.
4. Part of Lot 5 on LP205979, Robertson St Gisborne, Dixon field Recreation Reserve
5. Gisborne Racecourse Reserve Marshlands and adjoining reserves including Part Crown Allotment 19B, Crown Allotment 19C, Part Crown Allotment 19 Parish of Gisborne, 21 Webb Court New Gisborne, Crown Allotment 19D (Reserve), Crown Allotment 61A, and Part Webb Court New Gisborne Road Reserve.
6. 20 Robertson Street Gisborne being Lot 1 LP 98085 Parish of Gisborne
7. Part of Hanging Rock Reserve, Straw Lane and South Rock Road being Crown Allotments 7B, 7C, 7D, and 7E Section 2 Parish of Newham.

The proposed Amendment also corrects a wording anomaly at Clause 22.02 which applies to the townships of Gisborne, Woodend, Kyneton, Riddells Creek, Romsey and Lancefield.

What the amendment does.

The proposed Amendment seeks to:

1. Rezone the rear portion of Lots 60, 64, 65, 68 and 69 PS 432506G and Lots 513, 514, 515, 516, 517, 518, and 519 PS 534632H Parish of Gisborne from Rural Conservation Zone 4 to Residential 1 Zone.

2. Rezone a small portion at the north-west corner of Lot A PS302693G Parish of Gisborne from Residential 1 Zone to Rural Conservation Zone 4.
3. Rezone Reserve 2 PS 432506G Parish of Gisborne (Certificate of Title Volume 10799 Folio 436) from Rural Conservation Zone 4 to Public Park and Recreation Zone.
4. Rezone the western most part of Lot 5 on LP205979, Robertson St Gisborne from Rural Conservation 4 to Public Park and Recreation Zone.
5. Rezone the western two thirds of Crown Allotment 19B Parish of Gisborne from Public Park and Recreation Zone to Public Resource and Conservation Zone.
6. Rezone Crown Allotment 19C (two parcels) Parish of Gisborne from Public Use Zone 6 (Local Government) to Public Park and Conservation Zone.
7. Rezone 21 Webb Court New Gisborne, Crown Allotment 19D (Reserve); and Crown Allotment 61A from Rural Living Zone 1 to Public Park and Recreation Zone.
8. Rezone 20 Robertson Street Gisborne being Lot 1 LP 98085 Parish of Gisborne from Public Park and Recreation Zone to Business 1 Zone.
9. Rezone Crown Allotments 7B, 7C, 7D, and 7E Section 2 Parish of Newham from Rural Conservation Zone to Public Resource and Conservation Zone.
10. Remove multiple references to the *Macedon Ranges Residential and Industrial Land Review 1999* document as a reference document under Clause 22.02.

Strategic assessment of the amendment

Why is the amendment required?

The proposed Amendment to the Planning Scheme is required for a number of reasons though primarily based on the need to correct errors and anomalies. The following explanations for each change is given in the order listed above:

1. The zone change from Rural Conservation Zone 4 to Residential 1 Zone on Scheme Map 37 is required to correct a mapping anomaly so that the zone boundary aligns with the final plan of subdivision for Stage 6 of the Jackson Creek Estate residential subdivision which was approved but the required rezoning to the rear portion of the residential lots was not translated in the drafting of the “new format” planning scheme. The original zone boundary for the Residential 1 area as shown in the old format planning scheme zone map dated October 1996 was designated along the Jackson Creek escarpment line and the detailed planning for the subdivision provided for a revised boundary with provision of a reserve to the rear of the residential lots to provide a suitable interface to the escarpment which would be free from development. The subdivision was approved under Planning Permit no 90339 issued on 19 November 1991 however being a large staged subdivision the statement of compliance for Stage 6 did not issue until 1 April 2004. The land and is now fully developed for residential purposes. The correction to the zone map anomaly will provide for a minor zone boundary realignment, the correction of which has been delayed for some time due to previous resourcing constraints. The developer for the subdivision, Sunnyacres Pty Ltd, has requested that Council rectify the anomaly.
2. The rezoning of part Lot A PS302693G Parish of Gisborne from Residential 1 Zone to Rural Conservation Zone 4 on scheme map 37 is required to correct a mapping anomaly so that the zone boundary aligns with the final plan of subdivision for Stage 6 of the Jackson Creek Estate residential subdivision, mentioned above.

3. The zone change to the Reserve 2 PS 432506G Parish of Gisborne (Certificate of Title Volume 10799 Folio 436) from Rural Conservation Zone 4 to Public Park and Recreation Zone on Scheme Map 37 is required to reflect the land as a Council owned reserve.
4. The zone change to the western most part of Lot 5 on LP205979, Robertson St Gisborne from Rural Conservation 4 to Public Park and Recreation Zone on Scheme Map 36 is required to correct an anomaly and reflect the land as forming part of the Council owned reserve (Dixon Field) used for public open space and recreation. The realignment of the zone boundary to the lot boundary line rather than being arbitrary located along a water course being a tributary to the Jackson Creek. The zoning change will continue to provide appropriate land use and development provisions to ensure the watercourse is protected particularly given that Council is and will continue to be the responsible land manager.
5. The zone change to the western two thirds of Crown Allotment 19B Parish of Gisborne from Public Park and Recreation Zone to Public Resource and Conservation Zone on Scheme Maps 34 and 36 is required to provide a more appropriate zone to that part of the land which contains the Gisborne Racecourse Marshlands being a natural resource and habitat for indigenous and migratory water birds. This amendment has been prepared at the request of the Department of Sustainability and Environment.
6. The zone change to Crown Allotment 19C (two parcels) Parish of Gisborne from Public Use Zone 6 (Local Government) to Public Park and Conservation Zone on Scheme Maps 34 and 36 is required for the reasons explained above being the southern section of the Gisborne Racecourse Marshlands.
7. The zone change to 21 Webb Court New Gisborne, Crown Allotment 19D (Reserve); and Crown Allotment 61A from Rural Living Zone 1 to Public Park and Recreation Zone on Scheme Maps 34 and 36 is required to reflect the land as a public owned reserve.
8. The zone change to 20 Robertson Street Gisborne being Lot 1 LP 98085 Parish of Gisborne from Public Park and Recreation Zone to Business 1 Zone to correct a new format scheme map anomaly and reflect the private ownership and use of the land for business purposes.
9. The zone change to Crown Allotments 7B, 7C, 7D, and 7E Section 2 Parish of Newham from Rural Conservation Zone to Public Resource and Conservation Zone on Scheme Map 17. The amendment corrects a zone map anomaly so that the land matches the zone of the adjoining Hanging Rock reserve. The land, traversed by Five Mile Creek, has formed part of the Hanging Rock Recreation Reserve since it was purchased by the former Shire of Newham and Woodend Council in 1990. The Department of Conservation and Natural Resources provided \$75,000 towards the purchase to assist in its creation as a conservation based reserve. The land was purchased as a reserve to assist in the preservation and conservation of the existing reserve and accordingly forms part of the Hanging Rock Recreation Reserve Management Plan prepared and implemented since 1993. The reserve is managed by Council under the direction of a Committee of Management focused on the preservation and conservation of Hanging Rock for perpetuity. The zoning change will continue to provide appropriate land use and development provisions to ensure the land and watercourse is protected particularly given that Council is and will continue to be the responsible land manager. Following the acquisition of the land the former Shire of Newham and Woodend resolved on 13 December 1994 to have the land rezoned to a Public Open Space Reservation to match the zoning of the Hanging Rock land. The proposed Amendment was not carried through because the former Shire was amalgamated in 1995 to form the Macedon Ranges Shire resulting in the current zone anomaly. The currently proposed rezoning of the land to Public Conservation and Resource Zone is supported by the Public Land Services Unit of the Department of Sustainability and Environment.
10. The deletion of multiple references to the *Macedon Ranges Residential and Industrial Land Review 1999* document as a reference document under Clause 22.02 for the

townships of Gisborne, Woodend, Kyneton, Riddells Creek, Romsey and Lancefield is required because:

- The removal of this report as a reference document is supported by the recommendations of the 2004 Panel Report on proposed Amendment C8 to the Macedon Ranges Planning Scheme.
- The document is contrary to the various township structure plans set out at Clauses 22.02-2 Gisborne, Clause 22.02-3 Woodend, Clause 22.02-4 Kyneton, Clause 22.02-5 Riddells Creek, Clause 22.02-6 Romsey, and Clause 22.02-7 Lancefield.
- The document is not a Reference Document at Clause 21.08 and therefore should not be reference document under the Local Planning Policy section.
- the local ordinance provisions need to be correct so that the Macedon Ranges Planning Scheme can be properly administered.

In general applying the correct zone to land rectifies the anomalies created when the “new-format” VPP based planning scheme came into affect on 8 June 2000. The privately owned properties incorrectly zoned prejudices their orderly planning, use and development. These zoning anomalies and errors are required to ensure privately owned properties are correctly zoned to:

- reflect the current use of the land having regard to surrounding land use;
- remove unfair constraints as a result of errors and anomalies for the land’s use and development having regard to the purpose and provisions of the zone.

Whilst properties which are used for public purposes but which are not in a Public Land Zone or the most appropriate public land zone require unnecessary expenditure of public resources on the administration of planning permit applications that would otherwise not be required had the land been correctly zoned for its intended public use.

How does the amendment implement the objectives of planning in Victoria? (S.4 of the Planning and Environment Act 1987)

The amendment, by correcting and updating the Scheme and resolving a number of mapping and ordinance errors and anomalies, will provide for:

- the fair, orderly, economic and sustainable use, and development of land;
- the protection of natural resources; and
- the orderly provision of public facilities for the benefit of the community.

The amendment is in accordance with the objectives of planning as set out in the *Planning and Environment Act 1987*.

How does the amendment address the environmental effects and any relevant social and economic effects?

The amendment will have no detrimental social or economic effects. Instead the proposed changes will provide:

- social benefits through Council's continued development of its open space strategy and continued conservation and management of the hanging rock recreation reserve; and
- economic benefits particularly those that correct zoning anomalies where privately owned land in urban areas are incorrectly zoned for public use or rural purposes.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is not affected by any of the Minister's Directions under section 12 of the Planning and Environment Act 1987.

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

How does the amendment support or implement the State Planning Policy Framework?

The amendment (being policy neutral) is in accordance with the State Planning Policy Framework ("SPPF"). The various changes made, as described above uphold the goal and principles of land use and development planning set out in the SPPF, particularly those principles for the management and conservation of natural resources and the policy objectives of Clauses:

- 14 (Settlement) *where by environmentally sensitive areas* (such as Hanging Rock which forms part of the Macedon Ranges area) *should be protected from development which would diminish their environmental conservation or recreational values.*
- 15.09 (Conservation of Native Flora and Fauna) whereby decision making by responsible authorities should assist in the protection of conservation values of conservation reserves and assist in the conservation of habitats of threatened or endangered species including wetlands.
- 15.10 (Open Space) whereby planning and responsible authorities should ensure that land is set aside and developed in residential areas for local recreational use.

The consideration given in the preparation of the proposed amendment for all of the proposed schemes zone map changes will ensure that the proposed amendment, both for individual changes and as a whole, will uphold the principles of land use and development planning at Clause 11.03 including the overarching principles of settlement, environment, management of resources, economic wellbeing, and social needs and the relevant specific policies of the SPPF noted above.

How does the amendment support or implement the Local Planning Policy Framework?

The Amendment is consistent with the MSS and Local Planning Policy having regard to the Shire's Strategic Directions, and specific strategic and planning policy related environmental conservation, management of urban growth, and directions for individual townships.

Does the amendment make proper use of the Victoria Planning Provisions?

The application of the Public Park and Recreation Zone (Clause 36.02) is appropriate given the existing use and reservation of the relevant properties as public recreation reserves.

The application of the Rural Conservation and Resource Zone (Clause 36.03) for the east paddock of Hanging Rock and for the Marshlands Reserve is appropriate. Particularly given that:

- The relevant purposes of the zone in this instance are to:
 - implement the State and local planning policy framework of the scheme
 - protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.
 - provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.
 - provide for appropriate resource based land uses.
- The east paddock of hanging rock was acquired by the former Shire of Newham and Woodend as a reserve and is managed for conservation purposes. Prior to the new format planning scheme the land was zoned when it was privately owned for farming purposes thus the former shire resolved to rezone it to match the zoning of the hanging rock reserve.

The application of the Residential 1 Zone and Business 1 Zone is appropriate as it is the underlying zoning and provides the appropriate land use and development provisions which reflect how the affected parcels of land have already been developed.

The application of the Rural Conservation Zone is appropriately applied as it is the underlying zoning.

The removal of the RCZ4 from Council and DSE owned land is deemed appropriate so that they can best fulfil their obligations as public land managers through the application of public land zones as detailed above.

How does the amendment address the views of any relevant agency?

The proposed rezoning of land forming part of the Gisborne Racecourse Marshlands Reserve is a direct translation of a request from the Department of Sustainability and Environment.

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment is minor in nature and provides for the correction of errors of anomalies. The corrections to the scheme zone and overlay maps which seek to utilise the correct and most appropriate public land zone will ensure that the responsible authority can effectively and efficiently administer the Macedon Ranges Planning Scheme.

Amendment C68

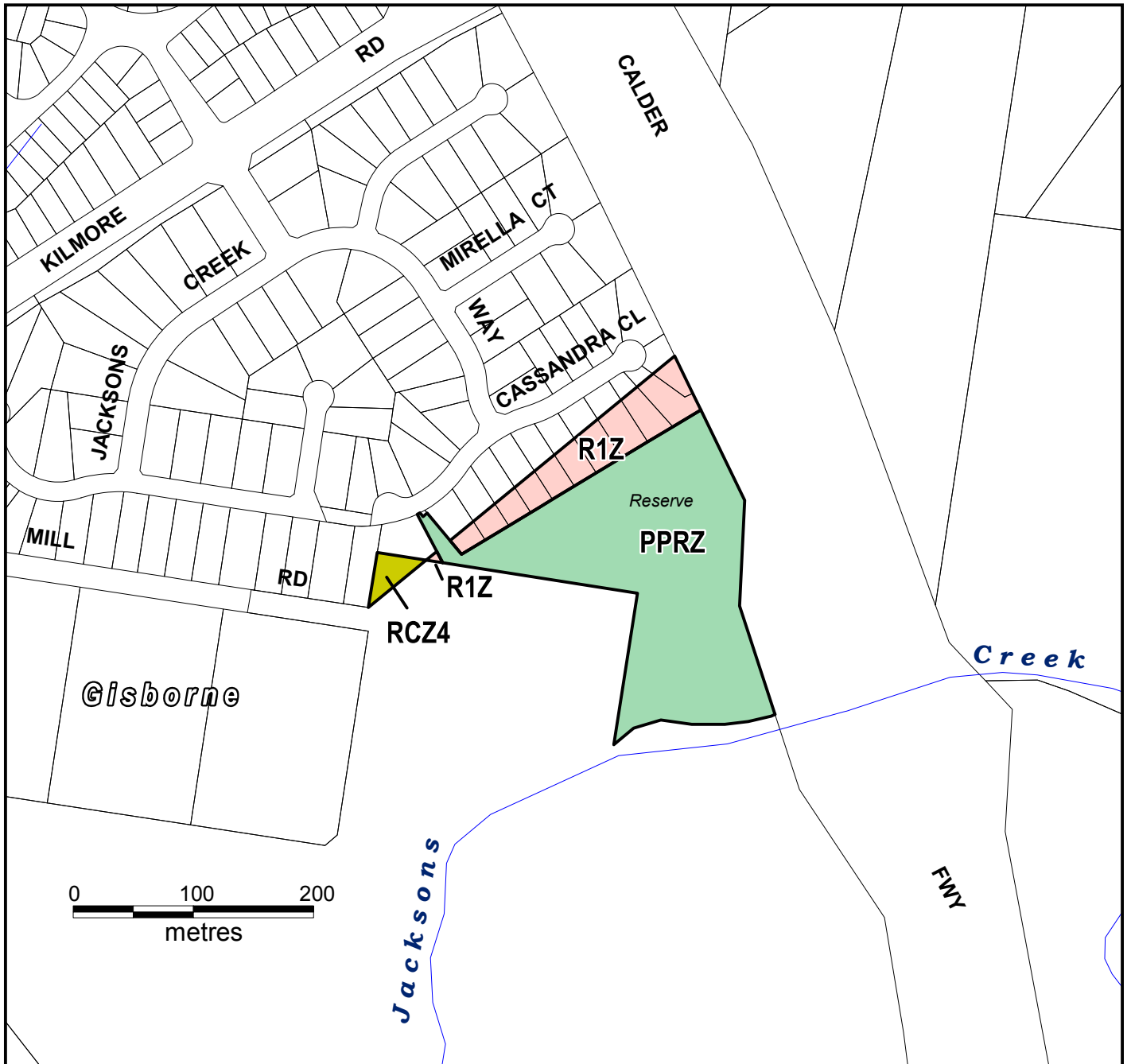
List of changes to the Macedon Ranges Planning Scheme

Clause / Map Numbers	Change	Comment
PLANNING SCHEME MAP CHANGES		
Map Nos 17, 34, 36, and 37	Planning Scheme Map No's. 17, 34, 36, and 37 are amended as shown on the attached maps marked "Macedon Ranges Planning Scheme, Amendment C68 Sheets 1 to 5"	Amends the planning scheme maps.
LOCAL PLANNING POLICY FRAMEWORK		
Clause 22.02	Removes reference to <i>Macedon Ranges Residential and Industrial Land Review 1999</i> at Clauses 22.02-2, 22.02-3 22.02-4, 22.02-5, 22.02-6 and 22.02-7	Removes incorrect reference to a document as it is not a formal reference document at Clause 21.08 of the scheme.
LIST OF AMENDMENTS (Information to accompany amendment)		
List of Amendments	Insert: Amendment number "C68", In operation from, DATE with the brief description, "Amendment to correcting errors and anomalies by rezoning: <ul style="list-style-type: none"> • part of Lots 60, 64, 65, 68 and 69 PS 432506G and Lots 513, 514, 515, 516, 517, 518, and 519 PS 534632H Parish of Gisborne to Residential 1 Zone. • part of Lot A PS302693G Parish of Gisborne to Rural Conservation Zone 4. • Reserve 2 PS 432506G Parish of Gisborne (Certificate of Title Volume 10799 Folio 436) to Public Park and Recreation Zone. • part of Lot 5 on LP205979, to Public Park and Recreation Zone. • part of Crown Allotment 19B Parish of Gisborne to Public Resource and Conservation Zone. • Crown Allotment 19C (two parcels) Parish of Gisborne to Public Park and Conservation Zone. 	Updates list of amendments to the planning scheme

Clause / Map Numbers	Change	Comment
	<ul style="list-style-type: none"> • 21 Webb Court New Gisborne, Crown Allotment 19D (Reserve); and Crown Allotment 61A to Public Park and Recreation Zone. • 20 Robertson Street Gisborne being Lot 1 LP 98085 Parish of Gisborne to Business 1 Zone. • Crown Allotments 7B, 7C, 7D, and 7E Section 2 Parish of Newham to Public Resource and Conservation Zone. <p>and removes incorrect reference to <i>Macedon Ranges Residential and Industrial Land Review 1999</i> under Clause 22.02 of the Planning Scheme.”</p>	

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MACEDON RANGES PLANNING SCHEME LOCAL PROVISION



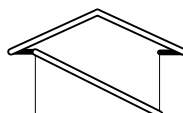
Part of Planning Scheme Map 37

LEGEND

R1Z	Residential 1 Zone
PPRZ	Public Park and Recreation Zone
RCZ4	Rural Conservation Zone - Schedule 4

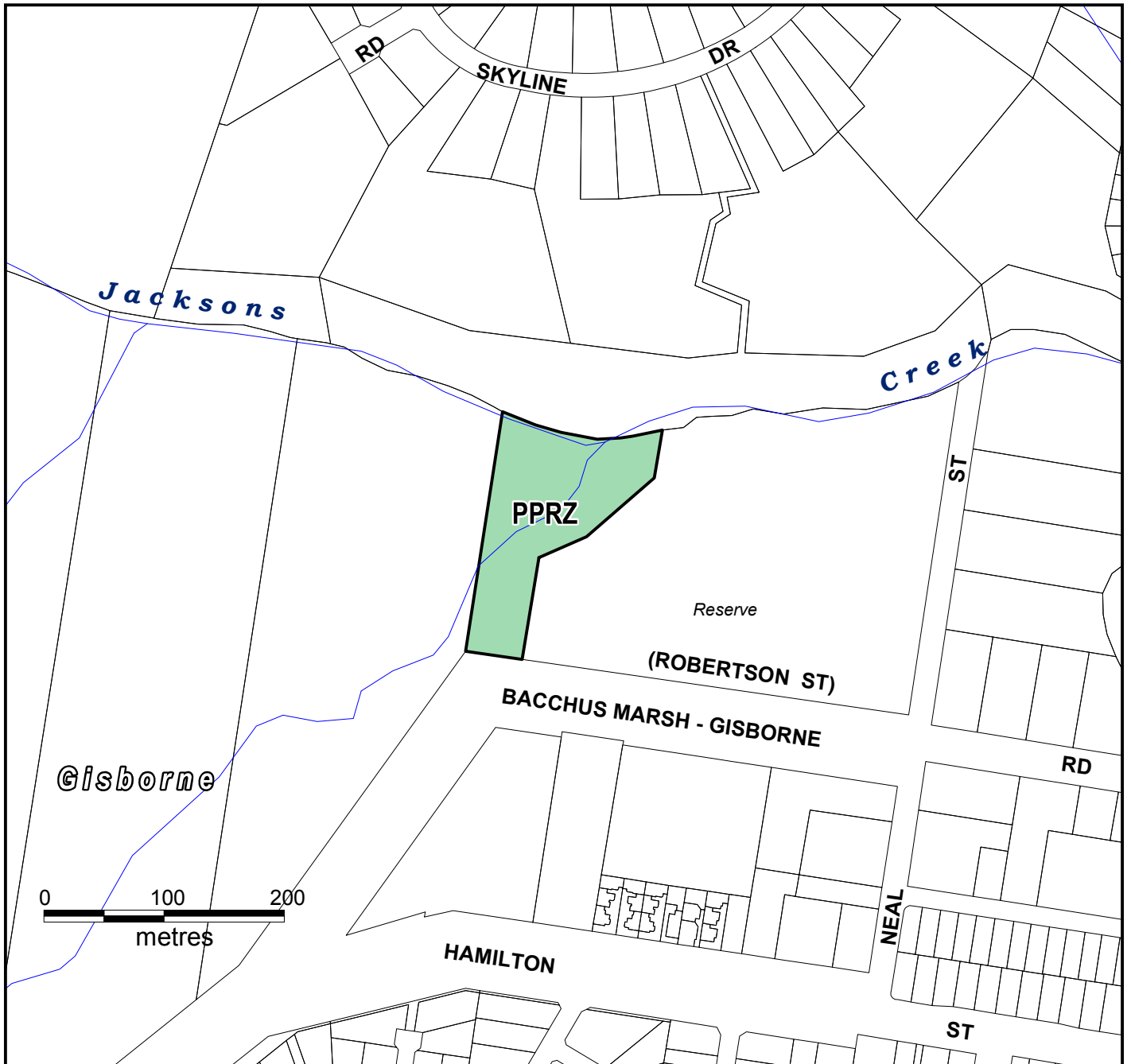
AMENDMENT C68

PREPARED BY: INFORMATION SERVICES
Statutory Planning Systems Reform
Planning, Heritage and Urban Design



Department of Planning
and Community Development

MACEDON RANGES PLANNING SCHEME LOCAL PROVISION

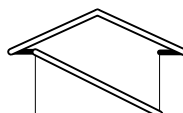


Part of Planning Scheme Map 36

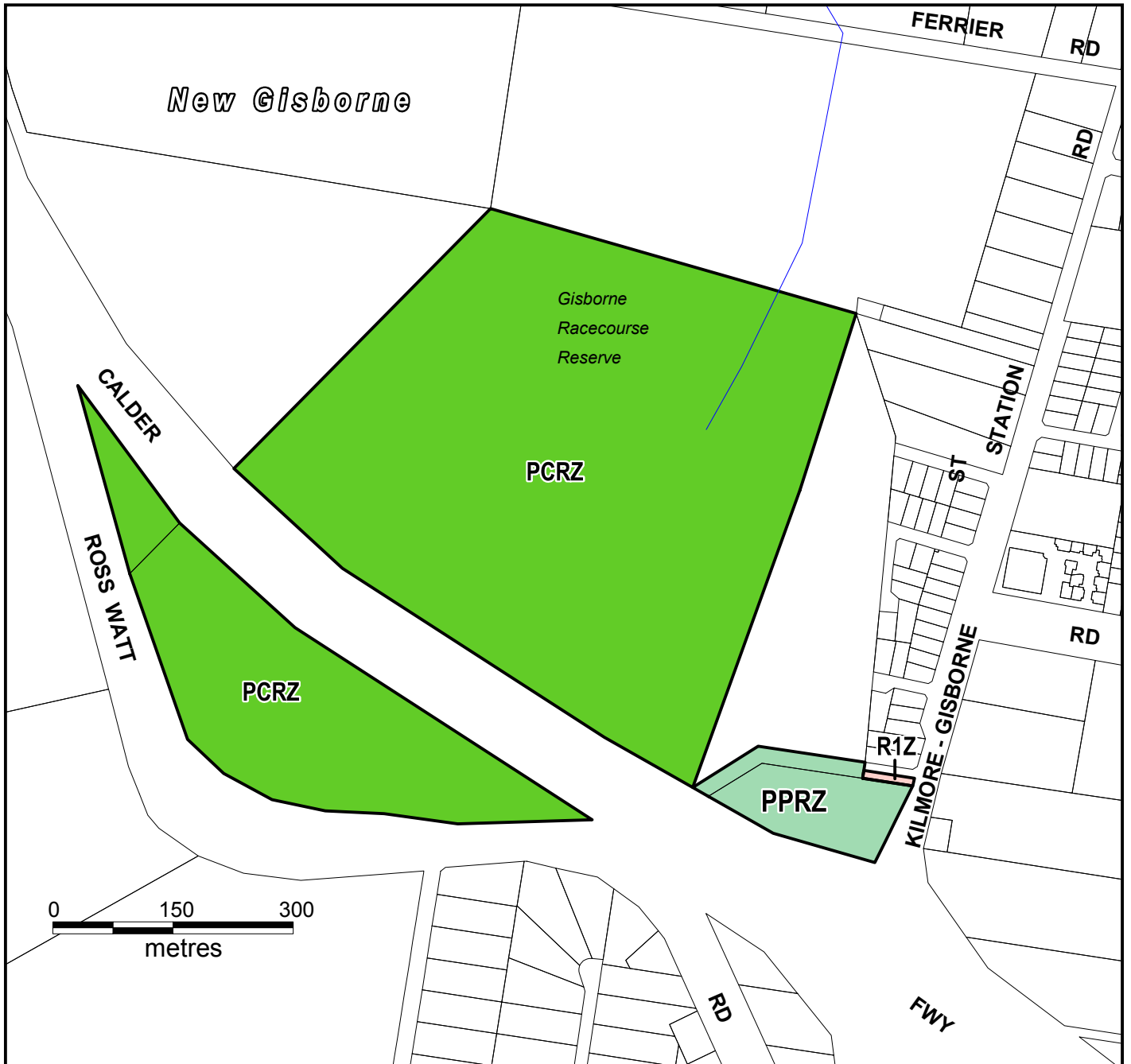
LEGEND

PPRZ Public Park and Recreation Zone

AMENDMENT C68



MACEDON RANGES PLANNING SCHEME LOCAL PROVISION

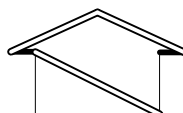


Part of Planning Scheme Map 34, 36

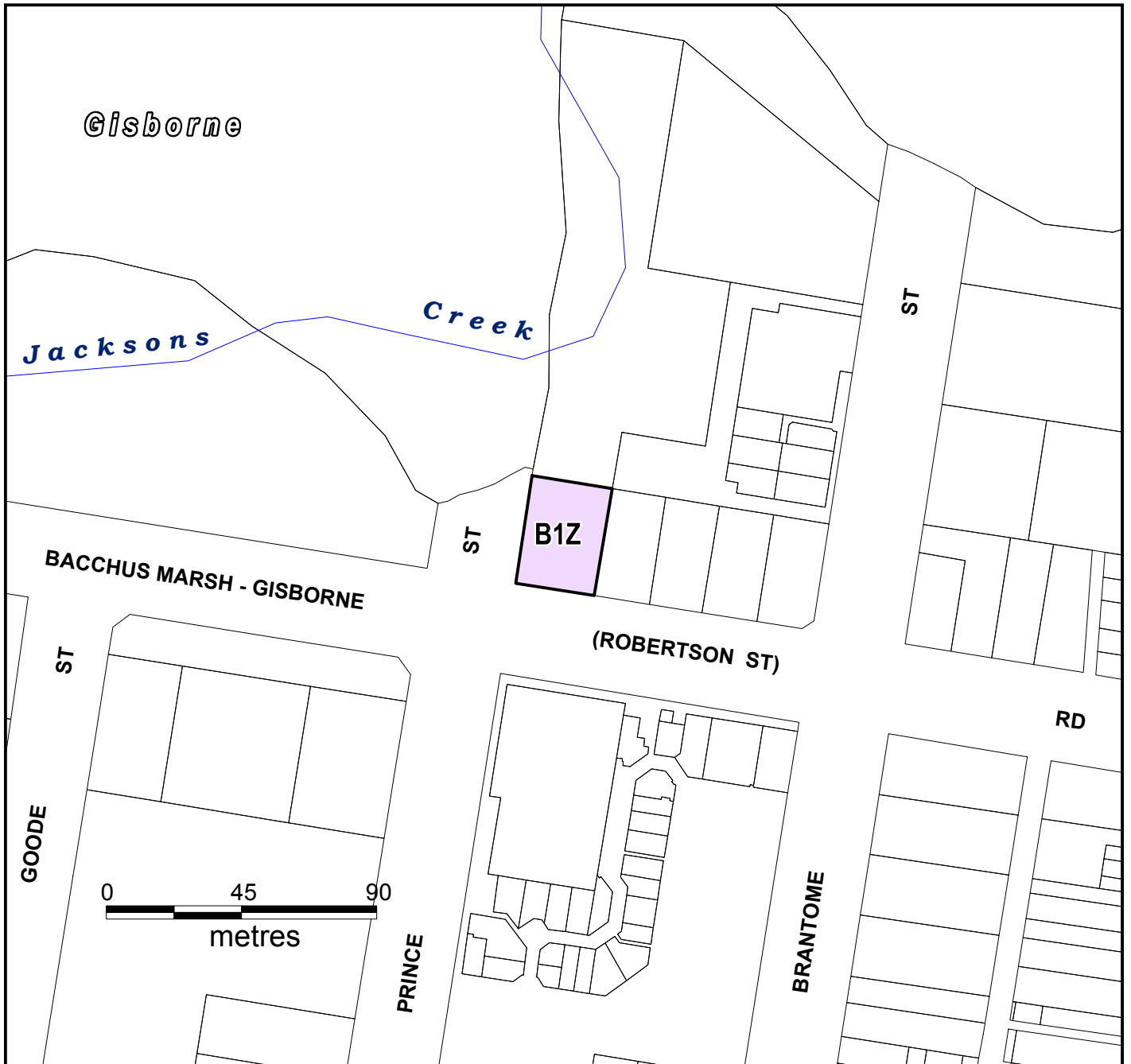
LEGEND

PCRZ	Public Conservation and Resource Zone
PPRZ	Public Park and Recreation Zone
R1Z	Residential 1 Zone

AMENDMENT C68



MACEDON RANGES PLANNING SCHEME LOCAL PROVISION

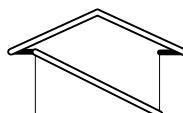


Part of Planning Scheme Map 36

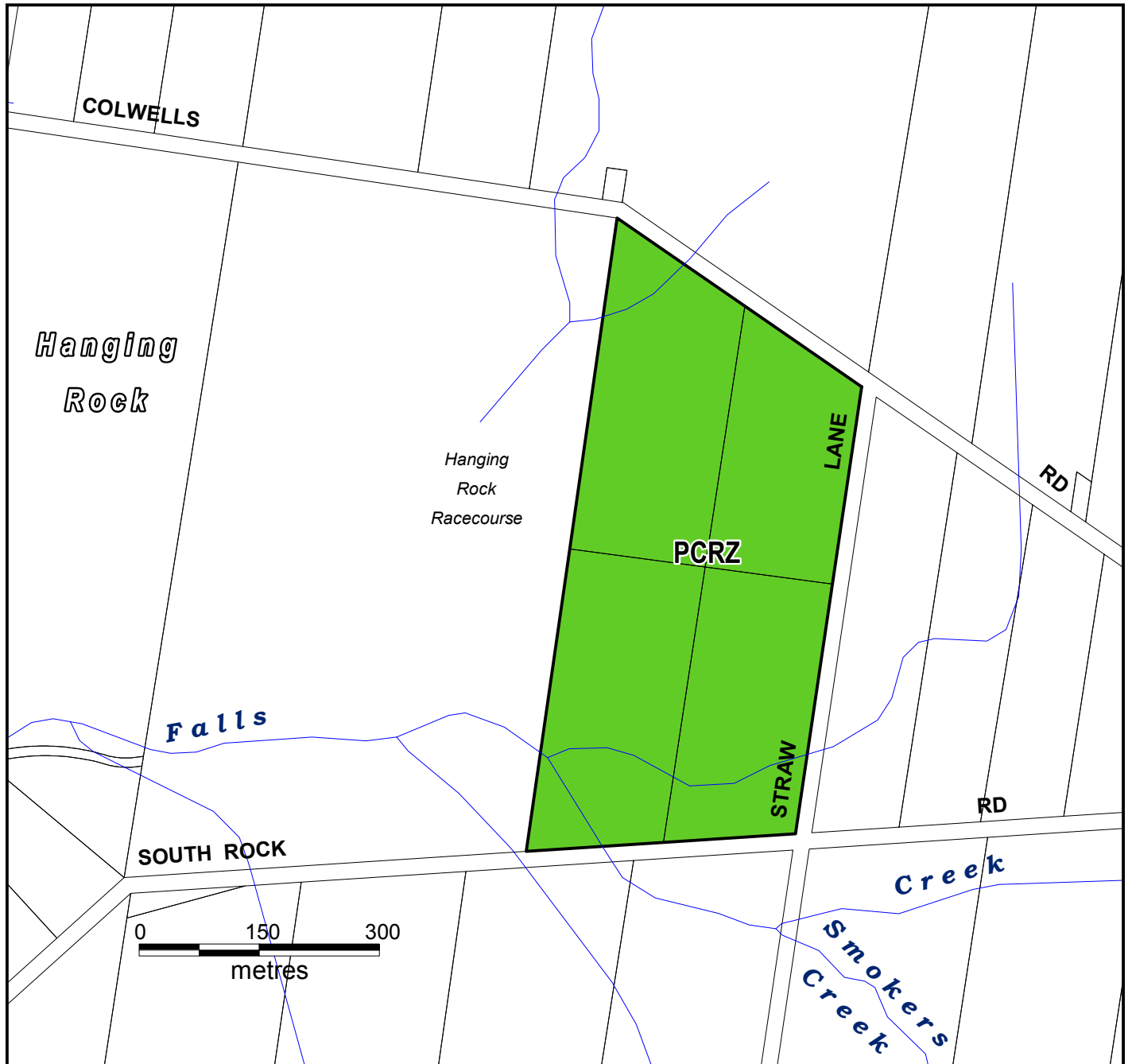
LEGEND

B1Z Business 1 Zone

AMENDMENT C68



MACEDON RANGES PLANNING SCHEME LOCAL PROVISION



Part of Planning Scheme Map 17

LEGEND

PCRZ Public Conservation and Resource Zone

AMENDMENT C68

