

Planning and Environment Act 1987

MACEDON RANGES PLANNING SCHEME

AMENDMENT C126macr

EXPLANATORY REPORT

(RE-EXHIBITED)

Who is the planning authority?

This amendment has been prepared by the Macedon Ranges Shire Council, which is the planning authority for this amendment.

Land affected by the amendment

The amendment applies to land throughout the Shire of Macedon Ranges at the following locations:

Bullengarook

- Part of Lot 1 on TP339680, 705 Bacchus Marsh Road, Bullengarook.
- Lot 1 on TP228666, 531 Hobbs Road, Bullengarook.

Fern Hill

- Part of Lot 1 on TP567294, Rippers Lane, Fern Hill.
- Part of Lot 1 on TP405790, Rippers Lane, Fern Hill.
- Part of Lot 1 on TP58189, Rippers Lane, Fern Hill.

Gisborne

- Lot 4 on PS402075, 51 Aitken Street, Gisborne.
- Lot RES on LP111376, 198 Mount Gisborne Road, Gisborne.

Kyneton

- Lot 1 on TP216489, 67 Baynton Street, Kyneton.
- Land along High Street generally between Ferguson Street and Mollison Street, Kyneton.
- Lot 6 on LP14390, 1 Ferguson Street, Kyneton.
- Part of Lot 2 on LP212562, 120-124 Mollison Street, Kyneton.
- Part of Lot 1 on LP56859, 130-132 Mollison Street, Kyneton.
- Part of Lot 3 on LP56859, 134 Mollison Street, Kyneton.
- Part of Lot 4 on LP56859, 136 Mollison Street, Kyneton.
- Part of Lot 5 on LP56859, 138 Mollison Street, Kyneton.
- Lot 1 on TP396955, 178 Mollison Street, Kyneton.
- Lot 1 on TP617751, 174 - 176 Mollison Street, Kyneton.
- Lot 1 on TP224233 and Lot 3 on TP745680, 281 Pipers Creek Road, Kyneton.
- Lot RES1 on PS645159, Youngs Road, Kyneton.

Macedon

- Plan CP160289, 37 Margaret Street, Macedon.

Malmsbury

- Part of the road reserve, Chisholm Avenue, Malmsbury.
- Plan CP107942, 92 Mollison Street, Malmsbury.
- Allot. 7, Sec. B & CA 1, Sec. C, Township of Malmsbury, 96 Mollison Street, Malmsbury.

Monegeetta

- Land generally within 2220 metres of the former Monegeetta piggery site at 43 Chintin Road, Monegeetta.

Mount Macedon

- Part of Lot 1 on TP919785, 6-8 Clarke Street, Mount Macedon.
- Part of Plan PC372104, 10 Clarke Street, Mount Macedon.
- Lot 1 on TP442741, 15 Salisbury Road, Mount Macedon.

New Gisborne

- Lot 1 on TP169619, 18 Shannons Road, New Gisborne.
- Lot 1 on PS348543, Allot. 62, Sec. 34, Parish of Gisborne, Lot 1 TP123699 and Lot 1 on TP124615, Station Road, New Gisborne.

Riddells Creek

- Plan CP166908, 1 Bolithos Road and part of the road reserve of Bolithos Road, Riddells Creek.
- Part of Lot CM1 on PS733771.
- Part of Lot 4 on PS733771, Unit 4/27 Mahoneys Road, Riddells Creek.
- Part of Lot 3 on PS733782, Unit 3/29 Mahoneys Road, Riddells Creek.
- Part of Lot 2 on LP27936, 31 Mahoneys Road, Riddells Creek.
- Sandy Creek Bushland Reserve and part of the road reserve, Sandy Creek Road, Riddells Creek.
- Part of Lot 1 on LP27936, 82 Main Road, Riddells Creek.
- Part of Lot 1 on TP707988, 84 Main Road, Riddells Creek.

Woodend

- Unmade road reserve between Bowen Street and Ladye Place, Woodend.
- Part of Allot. 15, Sec. 23, Township of Woodend, 142 High Street, Woodend.
- Part of Allotment 2005, Township of Woodend, 14 Nicholson Street, Woodend.
- Allot. 20, Sec. 42, Township of Woodend, 24 Urquhart Street, Woodend.
- Allot. 19, Sec. 42, Township of Woodend, 26 Urquhart Street, Woodend.

What the amendment does

The amendment corrects errors and anomalies and makes minor zoning and overlay mapping and ordinance changes to the Macedon Ranges Planning Scheme as follows:

Zoning mapping changes

1. Rezone land known as part of Plan CP166908, 1 Bolithos Road, Riddells Creek and part of Lot CM1 on PS733771 and Lot 4, PS733771, Unit 4/27 Mahoneys Road, part of Lot 3 on PS733782, Unit 3/29 Mahoneys Road and part of Lot 2 on LP27936, 31 Mahoneys Road, Riddells Creek from Commercial 1 Zone (C1Z) to Neighbourhood Residential Zone, Schedule 8 (NRZ8) as shown on Planning Scheme Map No. 39.
2. Rezone land at Lot 1 on TP216489, 67 Baynton Street, Kyneton from Public Use Zone

- Other Public Use (PUZ7) to Neighbourhood Residential Zone, Schedule 10 (NRZ10) as shown on Planning Scheme Map No. 13.
- 3. Rezone land at Plan CP160289, 37 Margaret Street, Macedon from C1Z to Low Density Residential Zone (LDRZ) as shown on Planning Scheme Map No. 27.
- 4. Rezone land at Lot 4 on PS402075, 51 Aitken Street, Gisborne from PUZ6 to C1Z as shown on Planning Scheme Map No. 36.
- 5. Rezone land known as part of Lot 1 on LP27936, 82 Main Road and part of Lot 1 on TP707988, 84 Main Road, Riddells Creek from NRZ8 to C1Z as shown on Planning Scheme Map No. 39.
- 6. Rezone land known as Lot RES1 on PS645159, Youngs Road, Kyneton from Farming Zone (FZ) to PUZ1 as shown on Planning Scheme Map No. 4.
- 7. Rezone land known as part of Lot 1 on TP567294 and part of Lot 1 on TP405790, Rippers Lane, Fern Hill from Rural Conservation Zone, Schedule 1 (RCZ1) to PUZ1 as shown on Planning Scheme Map Nos. 14 and 21.
- 8. Rezone land known as part of Lot 1 on TP58189, Rippers Lane, Fern Hill from RCZ1 to PUZ1 as shown on Planning Scheme Map No. 22.
- 9. Rezone land at Allot. 20, Sec. 42, Township of Woodend, 24 Urquhart Street, Woodend and Allot. 19, Sec. 42, Township of Woodend, 26 Urquhart Street, Woodend from PUZ4 to PUZ7 as shown on Planning Scheme Map No. 24.
- 10. Rezone land at known as part of Lot 1 on TP339680, 705 Bacchus Marsh Road, Bullengarook from Rural Conservation Zone, Schedule 3 (RCZ3) to Public Use Zone – Education (PUZ2) as shown on Planning Scheme Map No. 33.
- 11. Rezone land at Plan CP107942, 92 Mollison Street, Malmsbury from Rural Living, Schedule 5 (RLZ5) to Public Park and Recreation Zone (PPRZ) as shown on Planning Scheme Map Nos. 5 and 6.
- 12. Rezone land known as part of Allot. 15, Sec. 23, Township of Woodend, 142 High Street and part of Allotment 2005, Township of Woodend, 14 Nicholson Street, Woodend from part Neighbourhood Residential Zone, Schedule 3 (NRZ3) and part Neighbourhood Residential Zone, Schedule 4 (NRZ4) to PPRZ as shown on Planning Scheme Map No. 24.
- 13. Rezone land at Lot 1 on TP228666, 531 Hobbs Road, Bullengarook from PUZ6 to PCRZ as shown on Planning Scheme Map No. 33.
- 14. Rezone land at Lot RES on LP111376, 198 Mount Gisborne Road, Gisborne from PPRZ to PCRZ as shown on Planning Scheme Map No. 43.
- 15. Rezone land at Bald Hill Reserve, Lot 1 on TP224233 and Lot 3, TP745680, 281 Pipers Creek Road, Kyneton from PPRZ to PCRZ as shown on Planning Scheme Map Nos. 7 and 16.
- 16. Rezone land at Malmsbury Common Bushland Reserve, Allot. 7, Sec. B, Township of Malmsbury, 96 Mollison Street, Malmsbury from part RLZ5 and part PPRZ to PCRZ as shown on Planning Scheme Map Nos. 5 and 6.
- 17. Rezone land at Stanley Park Reserve, Lot 1 on TP442741, 15 Salisbury Road, Mount Macedon from PPRZ to PCRZ as shown on Planning Scheme Map No. 27.
- 18. Rezone land at Barringo Reserve, Lot 1 on TP169619, 18 Shannons Road, New Gisborne from PPRZ to PCRZ as shown on Planning Scheme Map Nos. 26 and 35.
- 19. Rezone land known as Magnet Hill Bushland Reserve, Allot. 62, Sec. 34, Parish of Gisborne, Lot 1 TP123699, Lot 1 on TP124615 and Lot 1 on PS348543, Station Road, New Gisborne from Rural Living Zone, Schedule 2 (RLZ2) to PCRZ as shown on Planning Scheme Map No. 36.

20. Rezone land at Sandy Creek Bushland Reserve and part of the road reserve, Sandy Creek Road, Riddells Creek from part PUZ6 and part LDRZ to PCRZ as shown on Planning Scheme Map No. 39.
21. Rezone land at Browning Street Conservation Reserve, unmade road reserve between Bowen Street and Ladye Place, Woodend from LDRZ to PCRZ as shown on Planning Scheme Map No. 24.
22. Rezone land known as part of Lot 1 on TP919785, 6-8 Clarke Street and part of Plan PC372104, 10 Clarke Street, Mount Macedon from PPRZ to RCZ1 as shown on Planning Scheme Map No. 27.
23. Rezone land known as part of the road reserve, Chisholm Avenue, Malmsbury from Road Zone, Category 1 (RDZ1) to FZ as shown on Planning Scheme Map Nos. 5 and 6.

Overlay mapping changes

24. Delete Schedule 2 to the Environmental Significance Overlay (ESO2 – Monegetta Piggery) from land at Lot 4 on LP98345, 43 Chintin Road, Monegetta and the surrounding land generally 2.2km from this land as shown on Planning Scheme Map Nos. 28ESO, 30ESO and 40ESO.
25. Apply Schedule 9 to the Vegetation Management Overlay (VPO9 – Living Forest) to land known as part of Lot 1 on TP919785, 6-8 Clarke Street and part of Plan PC372104, 10 Clarke Street, Mount Macedon as shown on Planning Scheme Map No. 27VPO.
26. Delete the Heritage Overlay (HO89 – High Street Precinct, Kyneton) from land known as part of Lot 1 on TP110768, 12-40 Market Street; part of Lot 1 on TP874226 and part of Lot 1 on TP122498, 12-20 Market Street; part of Lot 1 on TP318437, 51-53 High Street; Part of Lot 1 on TP424226, 47-49 High Street and part of Lot 1 and Lot S4 on PS729484, Unit 11/15 Ferguson Street, Kyneton as shown on Planning Scheme Map No. 13HO1.
27. Apply the HO89 to land known as part of Lot 6 on LP14390, 1 Ferguson Street; part of Lot 1 on TP122498, 12-30 Market Street; part of Lot 1 on TP22292; part of Lot 1 on PS524344, 39 High Street; part of Lot 1 on TP959344, 41 High Street; part of Lot 1 on TP220391 and part of Lot 1 on TP220391, 47-49 High Street; part of Lot 1 on TP326174 and part of Lot 1 on TP422298, 51-53 High Street and part of Lot 1 on TP807219 and part of Lot 1 on TP807219, 59 High Street, Kyneton as shown on Planning Scheme Map No. 13HO1.
28. Apply the Heritage Overlay (HO162 – Mollison Street Precinct, Kyneton) to land known as part of Lot 2 on LP212562, 120-124 Mollison Street; part of Lot 1 on LP56859, 130-132 Mollison Street; part of Lot 3 on LP56859, 134 Mollison Street; part of Lot 4 on LP56859, 136 Mollison Street and part of Lot 5 on LP56859, 138 Mollison Street; Lot 1 on TP617751, 174-176 Mollison Street, Kyneton and Lot 1 on TP396955, 178 Mollison Street, Kyneton as shown on Planning Scheme Map No. 13HO1.
29. Amend Schedule 24 to the Design and Development Overlay (DDO24 – Riddells Creek Town Centre) to delete land known as part of Plan CP166908, 1 Bolithos Road, Riddells Creek; part of Lot CM1 on PS733771 and Unit 4/27 Mahoneys Road, Riddells Creek; part of Lot 3 on PS733782, Unit 3/29 Mahoneys Road, Riddells Creek and part of Lot 2 on LP27936, 31 Mahoneys Road, Riddells Creek from DDO24 as shown on Planning Scheme Map No. 39DDO.
30. Apply DDO24 to land known as part of Lot 1 on LP27936, 82 Main Road and part of Lot 1 on TP707988, 84 Main Road, Riddells Creek as shown on Planning Scheme Map No. 39DDO.

Ordinance changes

31. Amend Clause 21.13-5 of the Municipal Strategic Statement to update the Riddells Creek Strategic Framework Map - Inset to amend the designation of land south of the railway line from 'Priority Residential Development Precinct' to 'Future Investigation Area' consistent with the designation on the Riddells Creek Strategic Framework Map. The maps also require correction of the zoning designation to reflect the changes under change 1 and 5.
32. Amend Schedule 24 to the DDO to delete land at 1 Bolithos Road and part of the road reserve of Bolithos Road and part of 27, 29 and 31 Mahoneys Road, Riddells Creek from the DDO boundary as shown on the Riddells Creek Town Centre Map.
33. Amend the Schedule to Clause 72.03 to delete the references to Map No. 30ESO and 40ESO, which will no longer form part of the planning scheme.
34. Delete Schedule 2 to Clause 42.01.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to make minor changes and corrections of errors and anomalies in the Macedon Ranges Planning Scheme. The reasons listed below reference the address numbering listed under the above:

1. The land is being rezoned to remove dual zoning and ensure that a single zone applies to each parcel. The NRZ8 was selected as these parcels are developed with an existing dwelling each and reflect the remainder of each site.
2. The land is privately owned and not used for a public purpose. This makes the PUZ7 inappropriate. The underlying zone is the NRZ10.
3. The land is being rezoned to remove dual zoning and ensure that a single zone applies to each parcel. The LDRZ was selected as this property is developed with an existing dwelling and reflects the zoning of the remainder of each site.
4. The land is privately owned and the PUZ6 is inappropriate. The land is to be used in association with a commercial development at 45 Aitken Street, Gisborne for car parking. The C1Z reflects the zoning of the land to the north and therefore 51 Aitken Street, Gisborne should have the same zoning.
5. The land has dual zoning of C1Z and NRZ8. The dual zoning is anomalous. The C1Z is the appropriate zoning as the land form part of the commercially zoned land in the township.
6. Coliban Water has requested that this land be rezoned from FZ to PUZ1. The land is required for public purposes and therefore the PUZ1 is the most appropriate zoning.
7. Coliban Water has requested that this land be rezoned from RCZ1 to PUZ1. The land is required for public purposes and therefore the PUZ1 is the most appropriate zoning.
8. Coliban Water has requested that this land be rezoned from RCZ1 to PUZ1. The land is required for public purposes and therefore the PUZ is the most appropriate zoning.
9. The land is used for a Country Fire Authority (CFA) fire station and by the State Emergency Service. The PUZ4 reflects a transport use rather than the use of the land. The PUZ7 is the most appropriate zone reflecting the type of public use on the site.
10. The land consists of two abutting parcels, Crown Allotment 8M and Lot 1. The land is used by the Sunbury and Macedon Ranges Specialist School for the purpose of a secondary school. The buildings and their use associated with the current school were originally confined to the Crown Allotment 8M land zoned PUZ2. Works to extend the school buildings have since occurred on Lot 1. The land is owned by the Ministry of

Education and is considered public land. In accordance with A Practitioners Guide to Victorian Planning Schemes 2020, the PUZ2 is the appropriate zone for Lot 1.

11. The land is occupied by the Malmsbury Cricket and Recreation Reserve, which is council owned and used as public open space. One parcel of land forming part of the site is zoned RLZ5, with the remaining parcel zoned PPRZ. The situation of two different zones for the area of public open space is anomalous. In accordance with A Practitioners Guide to Victorian Planning Schemes 2020, the PPRZ is the appropriate zone.
12. Crown Allotment 2005 is a former government road. It no longer serves as a road and is now closed. Crown Allotment 15 forms part of the Campaspe Park Reserve. The land is used for public and community uses. The council is the Crown Land Administrator. The parcels are part NRZ3, NRZ4 and PPRZ. This is anomalous and in accordance with A Practitioners Guide to Victorian Planning Schemes 2020, the PPRZ is the most appropriate zone for CA15 and CA 2005.
13. The land is a council owned and managed bushland reserve. The primary role of this reserve is to protect biodiversity and provide habitat for wildlife. This reserve also has an environmental management plan providing direction for protecting and enhancing the conservation values of the reserve and managing threats. DELWP's Planning for Biodiversity, December 2017 guidance note advises that reserves established for conservation purposes should be zoned PCRZ. As such, it is recommended that most of the council's managed bushland and conservation reserves be zoned PCRZ. In accordance with the guidance note, the PCRZ is the most appropriate replacement zone.
22. The land has a dual zoning of PPRZ and RCZ1. The dual zoning is anomalous and the site is privately owned making the PPRZ inappropriate. The RCZ1 is the most appropriate zone.
23. Regional Roads Victoria has confirmed Chisolm Avenue is not a declared road. The road is still being used, but VicRoads has revoked its status as a declared road forming part of the Calder Highway. The FZ is the underlying zone and the most appropriate replacement zone.
24. ESO2 is for the purpose of protecting the former Monegeetta piggery from any development which may jeopardise its operation. The piggery ceased operation in 2009 which means that the ESO2 requires consideration of factors which are now irrelevant to the land within the ESO2. A VCAT order made 21 September 2017 (Reference No. P1452/2017) finds that "ESO2 is for all intent meaningless". The ESO2 is now redundant and unfairly imposes irrelevant regulation. For this reason, it is appropriate to remove ESO2.
25. The VPO9 applies to the parts of the parcels zoned RCZ. The parts zoned PPRZ are not affected by the VPO9. Change 22 seeks to rezone the land from PPRZ to RCZ1. The Biodiversity Strategy 2018 states that VPO9 provides protection to the vegetation along the Great Dividing Range that extends from the Cobaw Ranges in the north-east of the Shire to Trentham East and Gisborne in the south west. The VPO9 applies to land zoned RCZ1 in this location. In line with change 22 and the Biodiversity Strategy 2018, it is appropriate to apply the VPO9 to land zoned RCZ1 under change 22.
26. Prior to the new format planning scheme, the boundary of HO89 aligned with property boundaries. When this mapping was translated to the new format planning scheme, this HO boundary changed to how it is currently shown. The changes result in the HO boundaries straying from lot rear boundaries. This is anomalous to current practice and the HO curtilage is to be revised to align with property boundaries. Change 26 will delete small areas of HO89 coverage from parcels that do not abut High Street. This precinct relates to the street frontages and the 'mis-alignments' are at the rear. Aligning the precinct boundary to property boundaries will not adversely impact upon the significance, character or appearance of HO89.

27. Prior to the new format planning scheme, the boundary of the HO89 aligned with property boundaries. When this mapping was translated to the new format planning scheme, this HO boundary changed to how it is currently shown. The changes result in the HO boundaries straying from lot rear boundaries. This is anomalous to current practice and the HO curtilage is to be revised to align with property boundaries. Change 27 will increase areas of HO89 coverage to the whole parcel. This precinct relates to the street frontages and the 'mis-alignments' are at the rear. Aligning the precinct boundary to property boundaries will not adversely impact upon the significance, character or appearance of HO89.
28. The current curtilage of HO162 bisects the properties which results in anomalous application of the overlay. HO162 should apply to the whole of these properties to match the respective lot boundaries. HO162 is also to apply to the whole of 174-176 Mollison Street, Kyneton and 178 Mollison Street, Kyneton. The Mollison Street Conservation Area applied to these sites prior to the new format planning scheme in 2000. After 2000, these sites were omitted from the HO on Map No. 13HO1. The findings of the Shire of Kyneton Conservation (Heritage) Study 1990 identifies 178 Mollison Street suitable for local protection. The change will apply the HO162 to these two properties up to Mair Street to ensure the identified heritage significance of 178 Mollison Street is protected.
29. The DDO24 is applied to partial areas of these sites. The DDO24 sets design objectives for the Riddells Creek Town Centre but follows the extent of the C1Z as it currently applies. This leads to application of the DDO24 indiscriminately bisecting the subject land without following the title boundary. Anomalous application of the DDO24 should be corrected by removing it from the properties identified under change 1.
30. Similar to change 29, DDO24 is applied to partial areas of these sites. The DDO24 sets design objectives for the Riddells Creek Town Centre but follows the extent of the C1Z as it currently applies. This leads to application of the DDO24 indiscriminately bisecting the subject land without following the title boundary. Anomalous application of the DDO24 should be corrected to apply it to the properties identified under change 5.
31. Three changes are to occur as follows:
 - Zone change:
 - The Riddells Creek Strategic Framework Map and Inset Map require revision in order to accord with the zone boundary changes proposed for multiple properties along Mahoneys Road, 82 and 84 Main Road and 1 Bolithos Road, Riddells Creek (see changes 1 and 5).
 - Land designation change:
 - Under Amendment C100 that implemented elements of the Riddells Creek Structure Plan, 2013, land south of the railway line was exhibited with the Priority Residential Development Precinct designation. Upon approval from the Minister for Planning, this designation was amended to 'Future Investigation Area'. The Strategic Framework Plan Map included at p. 47 of Clause 21.13-5 was updated and gazetted to reflect the amended designation. However, the enlarged inset map at p. 48 of Clause 21.13-5 was not updated and still shows this land with its prior designation as Priority Residential Development Precinct. The conflict is an error and the enlarged inset map needs amending to accord with the Strategic Framework Plan Map.
32. Amend Schedule 24 to the DDO to delete land at 1 Bolithos Road and part of the road reserve of Bolithos Road and part of 27, 29 and 31 Mahoneys Road, Riddells Creek from the DDO boundary as shown on the Riddells Creek Town Centre Map to reflect the changes 29 and 30.

33. The deletion to the reference of Map No. 30ESO and 40ESO from the Schedule to Clause 72.03 is required as the Environmental Significance Overlay will not apply to these areas due to change 24.
34. ESO2 is for the purpose of protecting the former Monegetta piggery from any development which may jeopardise its operation. The piggery ceased operation in 2009 which means that the ESO2 requires consideration of factors which are now irrelevant to the land within the ESO2. A VCAT order made 21 September 2017 (Reference No. P1452/2017) finds that “ESO2 is for all intent meaningless”. The ESO2 is now redundant and unfairly imposes irrelevant regulation. For this reason, it is appropriate to remove ESO2.

The amendment is consistent with the *Planning and Environment Act 1987* requirements for regular review of planning schemes.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria as outlined in section 4(1) of the *Planning and Environment Act 1987*.

In particular, the amendment implements objective:

- (a) *To provide for the fair, orderly, economic and sustainable use, and development of land.*

The amendment corrects zoning and planning scheme provisions that impact on the fair and orderly use and development of the land. The amendment corrects the inadvertent application of incorrect zones and ensures overlays are correctly applied. It applies zones that are appropriate to the use and development of land in other instances to reflect public or private ownership.

- (d) *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

The amendment ensures that the HOs cover heritage places intended to be protected. These changes provide for the conservation of heritage places.

Under section 46AZC(2) of the *Planning and Environment Act 1987* a responsible public entity which is a planning authority must not prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for that declared area. The *Macedon Ranges Statement of Planning Policy* (SPP) was approved on 10 December 2019 and gazetted on 12 December 2019.

The proposed amendment is considered consistent with the following objectives and strategies of the SPP:

- Objective 1 – *To ensure the declared area’s natural and cultural landscapes are conserved and enhanced.*

The amendment will ensure that Council’s bushland reserves are correctly zoned to ensure the correct identification and purpose of the reserve. 6-8 and 10 Clarke Street will be rezoned to RCZ and covered by the VPO will offer greater protection to native vegetation and wider landscape.

- Objective 2 – *To ensure that the significant biodiversity, ecological and environmental values of the declared are conserved and enhanced.*

The PCRZ will be applied to a number of the council’s bushland reserves to provide clear identification of the reserve’s purpose and identify the environmental values of these sites.

- Objective 3 – *To prioritise the conservation and use of the declared area’s water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.*

Several parcels are to be zoned PUZ1 to reflect the purpose of the land and its use by Coliban Water. This will allow Coliban Water to continue its function to manage its land around important water supply catchments.

- Objective 5 – *To recognise, conserve and enhance the declared area’s significant post-contact cultural heritage values.*

The amendment will apply the HO to identify the extent heritage places along property boundaries. This will ensure the conservation and enhancement of the post-contact cultural heritage values within Kyneton. It will also ensure sites previously excluded from previous heritage controls have the modern HO applied.

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

The amendment will have positive environmental, social or economic effects by ensuring that the land is in the correct zone and the most appropriate overlays are applied.

Does the amendment address relevant bushfire risk?

Clause 13.02-1S seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. This amendment seeks to ensure land is accurately covered by the appropriate planning provisions in accordance with the *Practitioner’s Guide to Victorian Planning Scheme 2020*. Many of the changes reflect the existing conditions or underlying zoning controls that are already present on the land. The changes are corrections, which do not introduce or intensify development or increase the net risk to life, property, community infrastructure and the natural environment from bushfire.

Where appropriate, the land is covered by bushfire protection measures that will mitigate risk in accordance with clause 13.02-1S such as the Bushfire Management Overlay. The amendment will not introduce or intensify development in an area that has more than a BAL 12.5 rating under *AS3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009) due to the nature of the changes being the correction of errors and anomalies. The other proposed changes such as the amendment to clause 21.13 are administrative in nature and do not impact on the sections of the planning scheme which inform the consideration of bushfire risk.

Therefore, the proposed amendment meets the objectives of Clause 13.02-1S and that the amendment will not increase the risk of bushfire to existing or future residents, property and community infrastructure.

Consultation has been undertaken with the Country Fire Authority (CFA) as the relevant fire authority for the land affected by the amendment and further consultation will be further undertaken as part of the exhibition period.

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

The amendment complies with:

- *Ministerial Direction Section 7(5): The Form and Content of Planning Schemes.*

The amendment has been prepared having regard to the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act. The proposed ordinance changes reflect the requirements of the Ministerial Direction.

- *Ministerial Direction No 1: Potentially Contaminated Land*

The amendment will result in some land being rezoned related to public open space, a primary school and residential uses. These uses are existing on the site and the zoning will reflect the current land ownership, correct zoning anomalies or reflect current land use.

This includes land such as 67 Baynton Street, Kyneton which is used for a community service organisation in private ownership but has a public zoning. The site has not previously been occupied by a use that would increase the risk of contamination and the rezoning would not change the site currently being used for a sensitive use. Sites such as 531 Hobbs Road, Bullengarook. 51 Aitken Street, Gisborne and 281 Pipers Creek Road, Kyneton have been identified by Council which are potentially contaminated but are already covered by the Environmental Audit Overlay. These properties therefore comply with the Ministerial Direction No 1.

- *Ministerial Direction No 11: Strategic Assessment of Amendments.*

Ministerial Direction No 11 seeks to ensure that a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. A strategic assessment of the proposed amendment has been undertaken in accordance with this Ministerial Direction in this explanatory report.

- Ministerial Direction 17: Localised Planning Statements

The proposed amendment will respond to objectives 1, 2, 3, and 5 of the Macedon Ranges Statement of Planning Policy as previously discussed above. The amendment will strengthen conservation and environmental values while providing for better protection of local heritage. The amendment will ensure the correct controls apply to land where an identified error or anomaly applies to the planning control.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports or implements the Planning Policy Framework as follows:

- Clause 01 *Purposes of this planning scheme* by providing a clear and consistent framework within which decisions about the use and development of land can be made.
- Clause 12.01-1S *Protection of biodiversity* by assisting the protection and conservation of nine bushland reserves with significant environmental values in various localities by applying the PCRZ and applying the VPO9 to land in Macedon.
- Clause 15.01-2S *Building design* by ensuring that DDO24 is accurately mapped to achieve building design outcomes that contribute positively to the town centre of Riddells Creek.
- Clause 15.03-1S *Heritage conservation* by ensuring the conservation of places of heritage significance by correctly identifying and mapping heritage places within the planning scheme.
- Clause 16.01-3S *Housing diversity* by applying the correct residential zone to land to provide a range of housing types to meet the community's needs.
- Clause 17.02-1S *Business* by applying the correct zone to land within the town centre of Riddells Creek to encourage commercial development that meets the needs of the community.
- Clause 19.02-5S *Emergency services* by supporting the location of emergency services by applying the most appropriate zone to land used for emergency services.

- Clause 19.02-6S *Open space* by supporting local recreational use of land to meet the needs of the community through the application of the PPRZ.
- Clause 19.03-3S *Integrated water management* by supporting the sustainable management of water supply and water resources by applying the most appropriate zone to land forming part of the Malmsbury and Fernhill Reservoirs.
- Clause 19.03-3R *Integrated water management – Loddon Mallee South* by applying the PUZ1 to support the ongoing investment in water infrastructure and management of water resources to enhance security and efficiency of water supply.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment also supports or implements the Local Planning Policy Framework, in particular, the Municipal Strategic Statement as follows:

- Clause 21.05 *Environment and landscape* by protecting and enhancing the natural environment by ensure the correct zoning and overlays apply where required.
- Clause 21.08-1 *Heritage conservation* by protecting and enhancing important heritage features and values for residents, visitors and future generations. It will ensure the correct application of the HO applies to properties within Kyneton.
- Clause 21.09-1 *Housing in towns* by supporting the provision of a diversity of housing in appropriate locations. The amendment will ensure the removal of zoning anomalies to provide clear controls on the correct parcels of land.
- Clause 21.10-1 *Commercial and industry* by supporting commercial development to increase employment opportunities. The rezoning of various properties to fix anomalies or rezone commercial land will support these uses in appropriate locations and support the local economy.
- Clause 21.12-3 *Rural infrastructure* by protecting infrastructure such as water supply. The amendment will ensure Coliban Water is able to continue its role on land owned by Coliban Water.

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

The amendment makes proper use of the Victoria Planning Provisions (VPP) by applying the correct zones and overlays to land throughout the municipality.

A Practitioner's Guide to Victorian Planning Scheme, 2020 outlines under section 5.1.1 that the *Ministerial Direction 7(5): The Form and Content of Planning Schemes* specifies that a planning scheme may only include land in a public land zone if the land is Crown land or is owned, vested in or controlled by a Minister, government department, public authority or a municipal council. The rezoning of private land from Public Use Zone to the underlying zone reflects this direction and correctly applies the VPP. This applies to proposed changes 2, 4, 6, 7, 8, 10 and 22.

The amendment is consistent with the direction outlined within *Planning Practice Note 01: Applying the Heritage Overlay (PPN01)*. The PPN01 advises that the HO in townships will apply to the whole property rather than just the feature itself. Change 26 and 27 reflect this direction by applying the HO along property boundaries rather than as they currently apply.

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

Consultation with Regional Roads Victoria, Country Fire Authority (CFA), Environment Protection Authority (EPA) and Coliban Water informed the preparation and processing of the

amendment in its current form. The amendment addresses the views of Regional Roads Victoria and Coliban Water by implementing the changes sought by each agency as they apply to areas of declared roads and road zones, and land under management of Coliban Water. The CFA and the EPA have also been consulted with. Ongoing consultation and consideration of the views of the CFA and EPA will occur during and following the exhibition period of the amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not considered to have a significant impact on the transport system.

Resource and administrative costs

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

The amendment will have a minimal impact on the resources or administrative costs of the responsible authority

Where you may inspect this amendment

Due to the widespread impact of pandemic restrictions, *the Planning and Environment Act 1987* was recently amended to allow Victorian Councils to display amendment documents on their websites instead of providing physical hard copies for inspection at their offices.

You may inspect the amendment, any documents that support the amendment and the explanatory report about the amendment, free of charge, at:

- the Macedon Ranges Shire Council website at www.mrsc.vic.gov.au/About-Council/News/Have-your-say
- the Department of Environment, Land, Water and Planning website www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 03 August 2020.

A submission must be sent to: PO Box 151, Kyneton, VIC 3444 or via email to mrsc@mrsc.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: 26/10/2020
- panel hearing: 23/11/2020