

## MACEDON RANGES PLANNING SCHEME

### AMENDMENT C143macr

#### EXPLANATORY REPORT

##### Who is the planning authority?

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

The amendment has been made at the request of the Macedon Ranges Shire Council.

##### Land affected by the Amendment

The Amendment proposes to apply a Heritage Overlay to the Bunjil Creek bridge and bluestone channel and extend an existing Heritage Overlay 'Memorial Precinct (Howey Reserve)', to include two oaks and an elm, in the vicinity of the Hamilton Street, Kilmore Road and Melbourne Road intersection, Gisborne.

##### Bunjil Creek Bridge and Channel (HO351)

Heritage Overlay HO351 applies to the bluestone bridge and channel known as 'Bunjil Creek Bridge and Channel', located on Hamilton Street, Gisborne. Bunjil Creek is crossed by a bluestone bridge at Hamilton Street and is channelled for some of its length south of the crossing.



Figure 1: Bunjil Creek Bridge and Channel

Source: *Macedon Ranges Bunjil Creek Bridge and Channel Gisborne Local-level Heritage Assessment*, April 2020

##### Memorial Precinct (Howey Reserve) (HO289)

The existing Heritage Overlay HO289 'Memorial Precinct (Howey Reserve)' in Hamilton Street, Gisborne is to be extended to include one English elm (*Ulmus procera*) and two English oaks (*Quercus robur*) in the road reserve adjacent to the western side of Bunjil Creek, which have been identified as part of this memorial avenue planting.



Figure 2: Memorial Precinct (Howey Reserve) – extension marked in blue

Source: *Macedon Ranges Trees at intersection of Bunjil Creek, Kilmore Road and Melbourne Road Gisborne Heritage Assessment*, May 2020

## What the Amendment does

The amendment applies the Heritage Overlay to the Bunjil Creek bridge and bluestone channel and extends an existing Heritage Overlay 'Memorial Precinct (Howey Reserve)' in the vicinity of the Hamilton Street, Kilmore Road and Melbourne Road intersection, Gisborne.

Specifically, the amendment:

- Amends the Schedule to Clause 43.01 (Heritage Overlay) to include 'Bunjil Creek Bridge and Channel, Hamilton Street, Gisborne' in the Heritage Overlay (HO351).
- Amends the Schedule to Clause 43.01 (Heritage Overlay) to, to include one English elm (*U. procera*) and two English oaks (*Q. robur*) in the 'Memorial Precinct (Howey Reserve)' HO289.
- Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the 'Bunjil Creek Bridge and Channel, Hamilton Street, Gisborne' Statement of Significance.
- Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to replace the 'Memorial Precinct (Howey Reserve)' Statement of Significance with the revised version.
- Amends the Schedule to Clause 72.08 (Background Documents) to insert the *Macedon Ranges Bunjil Creek Bridge and Channel Gisborne Local-level Heritage Assessment*, April 2020 and *Macedon Ranges Trees at intersection of Bunjil Creek, Kilmore Road and Melbourne Road Gisborne Heritage Assessment*, May 2020 as Background Documents.
- Amends Planning Scheme Map No. 36HO.

## Strategic assessment of the Amendment

### Why is the Amendment required?

The amendment applies permanent heritage protection to locally significant places and trees in the vicinity of the Hamilton Street, Kilmore Road and Melbourne Road intersection, Gisborne. This includes the Bunjil Creek Bridge and Channel, built of bluestone in 1874, and one English elm (*U. procera*) and two English oaks (*Q. robur*) that are part of the Howey Reserve memorial avenue planting.

This historic entryway to Gisborne was identified as having local significance to the community during public consultation undertaken in 2019 for proposed works on the 'Kilmore Road Intersection Upgrade' project. The Kilmore Road Intersection Upgrade project proposes to impact the bluestone bridge and channel and remove several mature trees in the road reserve. At the May and June 2020 Ordinary Council Meetings, Macedon Ranges Council resolved to seek authorisation of the amendment to permanently protect these heritage places and trees, and adopted the two relevant heritage assessments that recommend the application of the Heritage Overlay controls in the Macedon Ranges Shire Council planning scheme.

The *Macedon Ranges Bunjil Creek Bridge and Channel Gisborne Local-level Heritage Assessment* (April 2020) identified that the Bunjil Creek bridge and channel has local historical, representative and aesthetic significance to the Shire of Macedon Ranges.

The *Macedon Ranges Trees at intersection of Bunjil Creek, Kilmore Road and Melbourne Road Gisborne Heritage Assessment* (May 2020) identified that a number of trees had local historic significance to the Shire of Macedon Ranges, including three trees that are part of the Memorial Precinct (Howey Reserve) planting, identified in the previous heritage assessment implemented through C118macr.

Council sought to apply two interim Heritage Overlays to the Bunjil Creek bridge and bluestone channel (Amendment C142macr) in May 2020 and to mature English elms (*U. procera*) at the Hamilton Street, Melbourne Road and Kilmore Road intersection (Amendment C144macr) in June 2020. The Minister advised that the interim Heritage Overlays were not considered necessary, given the agreement that had been reached between Macedon Ranges Shire Council and Regional Roads Victoria regarding the preferred layout of the intersection, and the request was declined in May 2021.

The Heritage Overlay is the appropriate planning mechanism to protect the heritage values of this historic entryway to Gisborne. The application of the Heritage Overlay means the potential impact of buildings and works on the significance of a heritage place can be assessed and permitted through the planning process.

### **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* (the Act). The relevant objective is:

- (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 inclusion of these heritage places and trees in the Heritage Overlay will ensure that their historic, representative, and aesthetic significance will be considered in an integrated way against all other relevant provisions of the Macedon Ranges Planning Scheme and the Act.

### **How does the Amendment address any environmental, social and economic effects?**

The positive long-term contribution made by heritage places and trees to present and future generations is supported by and recognised in the Act and State and Local Planning Policy.

Macedon Ranges Shire Council recognises the contribution heritage places and trees make to the amenity and character of the municipality as well as their direct economic contribution through tourism opportunities. Respect for our cultural heritage involves retaining and managing places that have importance to us as a community. The inclusion of new places in the Heritage Overlay ensures that the history of the Shire of Macedon Ranges is preserved for visitors, residents and future generations. The amendment is expected to have a positive social, economic and environmental effect by retaining, protecting and promoting places and trees of cultural heritage significance in the municipality.

This amendment may result in some additional economic costs to government authorities and owners in applying for planning permit applications, engaging heritage consultants and funding the cost of maintenance and renovation of heritage places.

### **Does the Amendment address relevant bushfire risk?**

The heritage places and trees are not affected by the Bushfire Management Overlay but the majority of the land affected by the amendment is within a designated Bushfire Prone Area, except the western section of the bluestone channel.

The amendment has been considered against and is consistent with the objectives of Bushfire Planning at Clause 13.02-1S, Local Policy Bushfire at Clause 21.06-3 and the Macedon Ranges Municipal Fire Management Plan. Consideration has also been given to Planning Practice Note 64

Local Planning for Bush Fire Protection (September 2015), which prioritises the protection of human life over all other policy considerations.

The application of a Heritage Overlay does not adversely impact the ability of these heritage places and trees to be kept or made compliant with bushfire protection requirements, or the ability of government authorities and owners to undertake bushfire prevention and preparedness steps.

The amendment is not expected to increase the risk of bushfire to lives, property or community infrastructure and no local policy for bushfire risk management is required to support the amendment.

The Country Fire Authority (CFA) will be notified as part of the amendment.

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

The amendment complies with the requirements of Ministerial Direction - *The Form and Content of Planning Schemes* (Section 7(5) of the Act).

The amendment also addresses the requirements of Ministerial Direction No 11 *Strategic Assessments of Amendments* and the Planning Practice Note 46 *Strategic Assessment Guidelines* (August 2018).

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

The amendment supports and gives effect to the following relevant Planning Policy Framework objectives and strategies:

Clause 11.01-1S *Settlement* which promotes the sustainable growth and development of Victoria through the consideration of eight regional growth plans and the Metropolitan Planning Strategy. *The Loddon Mallee South Regional Growth Plan* (2014) recognises that 'heritage assets generate social benefits, such as a sense of identity, direct user benefits through tourism and the benefits stemming from the intrinsic value of preserving these assets for future generations to appreciate and enjoy'.

Clause 15.01-5S *Neighbourhood Character* which supports the role of heritage values and built forms that reflect community identity.

Clause 15 *Built Environment and Heritage* and sub-clause 15.03-1S *Heritage Conservation* which requires the identification and conservation of places of heritage significance. The amendment implements the following strategies located at Clause 15.03-1S:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme;
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.
- Retain those elements that contribute to the importance of the heritage place.

The adopted State policy for Macedon Ranges Shire Council municipality, the *Macedon Ranges Statement of Planning Policy* (MRSP), was gazetted on 12 December 2019. Section 46AZC states that a planning authority must not prepare an amendment that is inconsistent with the declared area's Statement of Planning Policy. The application of the Heritage Overlay is consistent with the *Macedon Ranges Statement of Planning Policy* objective and strategies, in the policy domain 'Post-contact cultural heritage'. Responsible public entities must consider these when performing a function, duty or exercising a power in Macedon Ranges, in particular:

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

Strategy 2- *Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure; and*

Objective 9 - *To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.*

The amendment supports the provision of infrastructure that is cognisant of the local landscape values of Gisborne.

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

The amendment implements the following areas of the Local Planning Policy Framework:

Clause 21.01 *Municipal Profile* and Clause 21.02 *Key Issues and Influences* both identify and acknowledge that heritage assets are a significant and highly valued characteristic of the townships such as Gisborne, in Macedon Ranges Shire (Built Environment and Heritage, Clause 21.02-4). This amendment seeks to preserve these heritage places and trees that distinguish this key historic entryway into Gisborne, which contribute to the amenity and character of the township (Environment and Landscape Values, Clause 21.02-2). This amendment also recognises that the municipality's heritage contributes to the economic development and employment opportunities of Macedon Ranges by attracting tourists to the shire (Economic Development, Clause 21.02-6).

The Strategic Framework for Macedon Ranges outlines the key role heritage places and trees play in the Council's Municipal Vision: 'we aspire to provide leadership in this inspiring region by providing the opportunity for all to live a fulfilling life, while continuing to protect our heritage, environment and sense of community through our shared commitment to a sustainable Macedon Ranges' (Clause 21.03-1).

This amendment will particularly support the implementation of the following Clause 21.08 *Built Environment and Heritage* which states the 'regulation and protection of the heritage features and values is critical in achieving sustainable development outcomes and decision making'. The relevant objectives are:

Objective 1 - *To protect and enhance important heritage features and values for residents, visitors and future generations* through the specific implementation of 'applying the Heritage Overlay to sites and places of heritage significance' (Heritage Conservation, Clause 21.08-1), and

Objective 2 – *To protect and enhance the existing character and form of the Shire's towns* (Built Environment, Clause 21.08-3).

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The Heritage Overlay is the most appropriate mechanism for identifying and managing places and trees of cultural heritage significance. As outlined in Planning Practice Note 1 *Applying the Heritage Overlay* (August 2018), places and trees that should be included in the Heritage Overlay are 'Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay'.

### **How does the Amendment address the views of any relevant agency?**

The views of all relevant agencies will be sought through the exhibition of the amendment.

Council has liaised with Regional Roads Victoria's during the consultation process in 2019 for the proposed 'Kilmore Road Intersection Upgrade' project. There have been ongoing discussions with RRV from late 2019 to date, to negotiate the detrimental impacts of the proposed works, and achieve a development outcome that will allow for some protection and retention of the heritage places and trees.

## **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is not expected to have a significant impact on the transport system or the objectives or decision-making principles of the Victorian *Transport Integration Act 2010*.

Macedon Ranges Shire Council agrees and supports the principle that the Kilmore Road Intersection Upgrade will have a positive impact on the Gisborne transport network and will improve its safety and efficiency.

Macedon Ranges Shire Council considers that a safe, efficient and integrated transport network outcome can be achieved, whilst retaining, conserving and / or managing the detrimental impacts to the locally significant heritage places and trees during the Kilmore Road Intersection Upgrade project.

## **Resource and administrative costs**

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

The amendment introduces a new Heritage Overlay and extends an existing Heritage Overlay. This will not have a significant impact on the resource and administrative costs of the responsible authority.

## **Where you may inspect this Amendment**

The amendment can be inspected free of charge at the Macedon Ranges Shire Council website at <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say>.

The amendment is available for public inspection, free of charge, during office hours at the following places:

Macedon Ranges Shire Council Offices and Service Centres at:

- Gisborne Council Office, 40 Robertson Street, Gisborne
- Kyneton Council Office, 129 Mollison Street, Kyneton
- Romsey Library, 96-100 Main Street, Romsey; and
- Woodend Library, Cnr Forest and High Streets, Woodend.

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.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 **Friday 12 November 2021**.

A submission must be sent to:

Macedon Ranges Shire Council  
PO Box 151  
Kyneton VIC 3444

Or, can be made via Macedon Ranges Shire Council's 'Have your say' webpage at <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say>.

Or, can be sent via email to Macedon Ranges Shire Council at [mrsc@mrsc.vic.gov.au](mailto: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: to commence in the week beginning Monday 25 April 2022.
- Panel hearing: to commence in the week beginning Monday 6 June 2022.