



Our Ref: 5010523

25 March 2020

Jack Wiltshire  
Strategic Planner  
Macedon Ranges Shire Council  
129 Mollison St  
KYNETON VIC 3444

Dear Jack

**RE: MACEDON RANGES PLANNING SCHEME AMENDMENT C126**

We refer to the Macedon Ranges Planning Scheme Amendment C126 currently on exhibition.

EPA provided a response in accordance with Ministerial Direction 19 on 7 February 2020. As requested by Council, this response includes detailed advice for 12 Stawell St, Romsey and 40 Smith St, Macedon as well as consideration of the broader amendment.

**Our Understanding of the Proposal**

EPA understands the proposal is to rezone land within the municipality for the purpose of correcting errors and anomalies.

Subsequent to our response in accordance with Ministerial Direction 19, EPA understands the proposals regarding 12 Stawell St, Romsey and 40 Smith St, Macedon have been removed from the amendment.

Additionally, while it is not stated in the amendment documentation, we now note that land known as 531 Hobbs Rd, Bullengarook is a closed landfill. We acknowledge that this advice was not provided to Council in our initial response under MD19.

**Closed Landfill – 531 Hobbs Rd, Bullengarook**

Landfill Gas

Bullengarook Landfill operated under historical licence HS1027 from 1975 to 2002 accepting putrescible, solid inert and fill waste.

Landfills have the potential to impact surrounding environment and community by discharging landfill gas for more than 30 years after they last accept waste. In the context of landfill gas, any building or structure is considered sensitive, because of the risk of explosion or asphyxiation. Consequently, use or development near landfills require specific consideration due to the potential for landfill gas risk as well as contamination of land and groundwater which can be present for many years after their closure.

The amendment proposes to rezone the land from Public Use Zone – Schedule 6 (PUZ6) to Public Conservation and Resource Zone (PCRZ). Under the proposed zoning, there is a potential for recreational uses and structures to be established.

### Contaminated Land

Landfills have a high potential for contamination according to Table 1 of the General Practice Note – Potentially Contaminated Land (PPN30). Uses permitted under the proposed zoning of the land would be considered Category B according to Table 2 in the PPN30 and therefore a site assessment would be required to determine if an audit is warranted.

Council is reminded of the requirements of Ministerial Direction 1 which states:

*In preparing an amendment which would have the effect of allowing (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use, agriculture or **public open space**, a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use.*

Ministerial Direction 1 further states that planning authorities are encouraged to contact EPA to discuss appropriate approaches in relation to open space.

### Recommendation

EPA is concerned that the amendment may allow for public open space to be established without adequate consideration of the suitability of the intended use.

Whilst the explanatory report notes that there is an Environmental Audit Overlay (EAO) on the site, it is important to note that under an EAO, the requirement for an audit is triggered only for sensitive uses as defined in Ministerial Direction 1. This includes residential uses, child care centres, pre-school centres or primary schools but does not include consideration of all structures or recreational uses which are sensitive to the risks associated with landfills such as landfill gas and contamination.

EPA advises Council to consider a revision to the amendment, applying an additional planning control over the land to require an assessment of the landfill gas and contamination risk, prior to use or development of any intrusive structures or public open space. This may include an Environmental Significance Overlay or a Special Controls Overlay.

If Council resolves to retain this site within the scope of the amendment, it is likely that EPA would have significant concerns regarding public health risk. For this reason, EPA wishes to remain engaged with Council on this matter and seeks to be heard in support of our submission.

### **281 Pipers Creek Rd, Kyneton**

The explanatory report also notes that 281 Pipers Creek Rd, Kyneton has an EAO applied to the site. From the information available, it is unclear what was the potentially contaminating prior use of the site. The amendment proposes to rezone the land from Public Park and Recreation Zone (PPRZ) to PCRZ.

EPA wishes to further discuss the historical use of the site with Council to determine if a similar risk profile applies as per 531 Hobbs Rd, Bullengarook.

### **Summary**

EPA has concerns about the risks associated with the proposed rezoning of the closed landfill at 531 Hobbs Rd, Bullengarook. EPA recommends Council further consider the risks posed by the closed

landfill on potential future uses allowable under the proposed zoning and include additional planning controls in the amendment to manage potential future development of the site.

Additionally, EPA seeks to gain clarity regarding the historical use of land known as 281 Pipers Creek Rd, Kyneton.

As EPA understands this amendment to be focussed on addressing anomalies, it may be appropriate to address these matters as part of a separate amendment process.

If Council resolves to proceed with the amendment as currently proposed, EPA wishes to remain engaged with Council on this matter and seeks to be heard in support of our submission.

If you need additional information or assistance, please contact Kaylee Thompson, Senior Planning Officer on 1300 EPA VIC (1300 372 842), or at [stratplan@epa.vic.gov.au](mailto:stratplan@epa.vic.gov.au).

Yours sincerely,



**Trisha Brice**  
Planning Team Lead (Strategic)  
Major Projects & Planning Unit  
**EPA Victoria**

## Submission 1



Our Ref: 5010679

30 April 2020

Jack Wiltshire  
Strategic Planner  
Macedon Ranges Shire Council  
129 Mollison St  
KYNETON VIC 3444

Dear Jack

### **RE: MACEDON RANGES PLANNING SCHEME AMENDMENT C126**

We refer to the Macedon Ranges Planning Scheme Amendment C126.

EPA provided a response to the exhibited amendment on 25 March 2020 (EPA Ref: 5010523). This response followed advice from EPA in accordance with Ministerial Direction 19 on 7 February 2020 (EPA Ref: 5010314). This response detailed specific advice for land known as 12 Stawell St, Romsey and 40 Smith St, Macedon as requested by Council. EPA note that these have since been removed from the amendment.

Subsequent to our submission to the exhibited amendment and a meeting held between Macedon Ranges Council and EPA on 20 April 2020, EPA consider it necessary to further clarify our position on the amendment.

As discussed with council, EPA is concerned that in its current form, the amendment may allow uses, sensitive to risks posed by potentially contaminating uses to be established. This advice specifically relates to properties at 531 Hobbs Rd, Bullengarook and 281 Pipers Creek Rd, Kyneton.

EPA recommends the following changes be made to the amendment prior to approval. If these changes are not made, EPA would not be in a position to support the amendment.

#### **Closed Landfill – 531 Hobbs Rd, Bullengarook**

Bullengarook Landfill operated at 531 Hobbs Rd, Bullengarook under historical licence HS1027 from 1975 to 2002 accepting putrescible, solid inert and fill waste.

The amendment proposes to rezone the land from Public Use Zone – Schedule 6 (PUZ6) to Public Conservation and Resource Zone (PCRZ). Under the proposed zoning, there is a potential for recreational uses and structures to be established which are sensitive to landfill gas and contamination. The risks associated with development on landfills are further discussed in our response dated 25 March 2020.

EPA is concerned that the amendment may allow for public open space uses to be established without adequate consideration of risk and therefore the suitability of the intended use. Due to the complexities of developing on top of a landfill site, EPA recommends that an environmental audit, in

## Submission 1

accordance with the Environment Protection Act 1970, is undertaken to determine the suitability of the land for these uses.

Whilst the explanatory report notes that there is an Environmental Audit Overlay (EAO) on the site, it is important to note that under an EAO, the requirement for an audit is triggered only for sensitive uses as defined in Ministerial Direction 1. This includes residential uses, childcare centres, pre-school centres or primary schools but does not include consideration of all structures or recreational uses which are sensitive to the risks associated with landfills such as landfill gas and contamination.

### **Shooting Range – 281 Pipers Creek Rd, Kyneton**

It is now understood that 281 Pipers Creek Rd, Kyneton is an operating shooting range. It is understood that the land has previously been used for a Department of Defence weapons testing site and is currently used for a rifle range and a clay target shooting club.

The amendment proposes to rezone the land from Public Park and Recreation Zone (PPRZ) to PCRZ.

An Environmental Management Plan (EMP) (Environmental Management Plan – Bald Hill Reserve, Kyneton, July 2012), prepared by Atlas Ecology, describes the historical and existing use of the land. Regarding contamination, the EMP notes that the rifle club transitioned to using steel shot, rather than lead shot in 1993. Additionally, it is understood that clay target shooting has continued on the land, also known for its potential to contaminate soil.

The EMP also references an audit undertaken on the land in 1990. It should be noted that EPA has not been able to confirm if an audit was completed for the site in 1990 and therefore does not have access any audit documentation. EPA requests Council look into their records and contact the site manager to try to find record of this assessment.

Due to the risks known about the site, EPA recommends that the appropriate form of assessment, to determine the suitability of the land for public open space is an environmental audit, in accordance with the Environment Protection Act 1970.

Similarly, to 531 Hobbs Rd, Bullengarook, the existing EAO on the land does not trigger the requirement for an audit for recreational uses which are sensitive to the risks associated with shooting ranges.

### **Recommendations**

EPA requests Council consider revising the amendment to apply an additional planning control over 531 Hobbs Rd, Bullengarook and 281 Pipers Creek Road, Kyneton. This control must require that an assessment of landfill gas (Bullengarook only) and contamination risk, is undertaken prior to the use or development of any intrusive structures or public open space.

EPA supports Council in considering an alternative control to ensure that the requirement for an audit is captured for public open space uses. We understand that one such mechanism could be the inclusion of an incorporated plan in the schedule to the Public Conservation and Resource Zone. It is noted that this was suggested by Council in the meeting held on 20 April 2020.

EPA has some additional comments and suggestions regarding capturing audit outcomes and the transition to the Environment Protection Act 2017.

### **Audit Conditions and Requirements**

It is important to note that where a Statement of Environmental Audit is issued, (rather than a Certificate of Environmental Audit which certifies the land is suitable for all beneficial uses), it usually contains one or more conditions. These conditions must be implemented for the site to be suitable for the proposed use.

As a future use of the site may not require a planning permit, we recommend, (in addition to a condition requiring the audit itself), a condition is required to capture the outcomes of the audit. These conditions may include requirements for ongoing monitoring, normally enforced within a planning permit. Example conditions are provided in the General Practice Note – Potentially Contaminated Land, DSE, 2005, which read:

- 1. Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the Subdivision Act 1988) the applicant must provide: (a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or (b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. A Statement must state that the site is suitable for the use and development allowed by this permit.*
- 2. All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.*

*Where there are conditions on a Statement of Environmental Audit that require significant ongoing maintenance and/or monitoring, the following condition might also be used:*

- 3. The applicant must enter into a Section 173 Agreement under the Planning and Environment Act 1987. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the Subdivision Act 1987. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.*

### **Transition to Environment Protection Act 2017**

It is possible that this planning scheme amendment will be approved, or the provisions acted on, after the new requirements of the Environment Protection Act 2017 come into force. There are provisions within the new Act that apply to the completion of an Environmental Audit which will replace the current provisions contained within the 1970 Act. EPA recommends the following additional note is added to consider this scenario:

*Where an Environmental Audit is required after the repeal of the Environment Protection Act 1970, this shall be carried out in accordance with the relevant provisions of the Environment Protection Act 2017.*

### **Summary**

EPA has concerns about the risks to human health associated with the proposed rezoning of the closed landfill at 531 Hobbs Rd, Bullengarook and the shooting range at 281 Pipers Creek Rd, Kyneton. The amendment, in its current form, has the effect of allowing uses sensitive to the risks posed by the potentially contaminating uses, to be established without proper assessment of the suitability of that use. EPA recommends Council include additional planning controls in the amendment to manage the future use/development of the site.

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EPA is willing to provide further comment on any proposed wording ahead of any panel proceedings.

EPA recommends these changes be made to the amendment prior to approval. If these changes are not made, EPA would not support the amendment, and would seek to be heard in support of our submission.

If you need additional information or assistance, please contact Kaylee Thompson, Senior Planning Officer on 1300 EPA VIC (1300 372 842), or at [stratplan@epa.vic.gov.au](mailto:stratplan@epa.vic.gov.au).

Yours sincerely,



**Trisha Brice**  
Planning Team Lead (Strategic)  
Major Projects & Planning Unit  
**EPA Victoria**



**Submission to “Macedon Ranges Planning Scheme Amendment C126macr: “**

Dear, Macedon Ranges Shire Council

Please accept my Submission for the above, Macedon Ranges Planning Scheme Amendment C126macr:

I like to comment on Riddells Creek’s portion of the Amendment which in turn may enlighten you on associated matters in the other areas especially regarding the Planning requirements for new subdivisions in Bush Fire Prone Areas.

In 2018 Minister of Planning Richard Wynne MP was notified that his decision to disregard the Panel Hearing recommendations to accept the MRSC nominated both proposed Priority Development Areas for residential development, (Northern Area and South of the Railway Line).

This decision may have placed the State Government in negligence of their Duty of Care by not complying with the 2009 Bushfire Royal Commission recommendations that the State Government accepted into its Planning Procedures, especially for new subdivisions in a bushfire Prone Area such as Riddells Creek.

Minister of Planning Richard Wynne MP, response to justify his decision was that a Precinct Structure Plan for all Riddells Creek was to be completed by MRSC, **not** just an individual development site PSP which is the next stage onwards in the developing process to cater for population growth in Riddells Creek.

It was also commented that MRSC still had two nominated Proposed Priority Development Areas for residential use, (Northern Area and South of the Railway Line).

Even though the, Minister of Planning Richard Wynne MP decision may be by his own means to disregard his advisors, mainly the Panel Hearing Committee recommendations that repletely stated that both development areas in Riddells Creek was needed to complement each other and could be staged by the PSP roll out to avoid over supply of residential land.



One main factor appeared, and was repeated that the Southside of the Railway Line would create the much needed **Connector Road** for the Northern Site to utilise and also needed to comply with the new subdivisions in a bushfire prone area, State planning requirements.

If the Southern side of the railway line is changed from the MRSC Councillor's decision on 18/12/2013 to make both areas Priority Development sites, to.....

**5. Amend Clause 21.13.-5 of the Municipal Strategic Statement to update the Riddells Creek "Strategic Framework Map- Insert" 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.**

If this was to happen then the Minister of Planning Richard Wynne MP decision may be placed certainly as negligence with a breach of duty of care and MRSC will most certainly be implicated in this negligence as well,

As it was explained to me by the State Planning Department and Mr Robert Rorke Manager – Loddon Mallee Regional Planning Services Loddon Mallee region, that MRSC had to do a proper PSP for **all** of Riddells Creek after it completed the Riddells Creek Structure Plan "C100". Then with this critical information would be able to do the localised PSP of a development site with the information to calculate Developer Contribution Plans and etc, that this site would impede on other infrastructure throughout Riddells Creek and its surrounding area.

If the Southern area is not maintained in MRSC Framework as a **Priority Development Site** for Residential it will generate extra cost in the thousands of dollars again to all Stakeholders including MRSC to revise it again in the near future, as MRSC is to maintain 15-year land supply for residential development and population growth.

I believed Mr Robert Rorke and Minister of Planning Richard Wynne MP visualised that the southern development area south of the railway line was Future Investigation and once that was investigated then with MRSC already having identified it as a Priority Development site then it didn't need the exaggerated expenses and logistics nightmare again by any Stakeholder to then rezone it a second time for development in the future.

This action also provided a staged trigger point to initiate the required Connector Road, planned in this area to allow the northern development site to remain compliant with the 2009 Bushfire Royal Commission recommendations that were adopted in the State's planning conditions for new subdivisions in a bushfire prone area.

I believe with the current Coronavirus problem in Melbourne and listening to the feedback that metro residents don't like the fear of high density living anymore.

They make comments of keeping their families safe on lower density accommodation in semi-rural areas like Riddells Creek located on the transport corridor for the family income earners to still commute to the city for work.

Please leave the Riddells Creek southern side of the railway line development site as MRSC Priority Development in Riddells Creek.

We have already paid once for this study to be done and there is no need to pay again in the near future for another study and Amendment when the Planning Minister has acknowledged that MRSC has two Priority Development Areas nominated and was only concerned in land over supply which could have been controlled and initiated by a PSP rollout.

The Planning Minister most likely Gazetted the Southern Area "Future Investigation" for the time being to give MRSC a direction to act on due to the conflicting public pressure to develop next to the railway station on the south side of the railway line.

I have listed below some examples that the Panel Hearing Committee had for noted the "C100", when they were referring to in justifying that both Priority Areas to be developed.

If you drop the Southern Development Area out, the Northern Development Area may be in conflict to the requirements of a new subdivision in a bushfire prone area such as the Northern Development Site.

A proper PSP for all Riddells Creek and surrounds needs to be done by MRSC and Developers for both Areas prior to changing the classification of this area so it is conducted in an informed manner.

Such as providing both bushfire Evacuation Routes and Emergency Access Routes, which need to be away from the main source of bushfire and not along unmanaged vegetation roads such as Kilmore Road which is adjacent to this main source of the bushfire fuel and providing the second route to Riddell / Sunbury Road, avoiding the traffic restrictive bluestone overhead railway bridge problem.

Other Municipal Councils are rearranging their Planning and PSP standards to comply with these new regulations and standards. A good example I have listed below is Nillumbik Council Fire Management Plan for their area, which sets a standard level benchmark for other Councils like MRSC to follow, or to improve better safety for the public.

Regards



Some examples stated in the Panel hearing and later investigating those Statements, I found those requirements to see what they are referring to E.g.

## LOCATION, LAYOUT AND SITING OBJECTIVES

52.47-3

18/11/2011  
VC83

### Location objective

To ensure that development is located and sited so that it does not increase the risk to life, property and community infrastructure from bushfire.

### Standard BF3

Development should avoid locations where the risk to life, property and community infrastructure from bushfire cannot be reduced to an acceptable level through bushfire protection measures.

### Decision guidelines

Before deciding on an application the responsible authority must consider:

- The characteristics of the bushfire hazard including the type, area and location of vegetation.
- The topography of the land and its potential impact on the intensity and severity of bushfire.
- The likely bushfire behaviour at both the local and broader scale.
- Access and egress both to the site and within the site.
- The proximity of the site to established urban or township areas.
- The impact of bushfire protection objectives under the Bushfire Management Overlay and any schedule to the overlay on the level of risk.

52.47-4

18/11/2011  
VC83

#### Siting and layout objective

To ensure that the siting and layout of development reduces the risk to life, property and community infrastructure from bushfire to an acceptable level and prioritises the protection of human life.

#### Standard BF4

The siting and layout of development should:

- Minimise the bushfire risk having regard to slope, access, aspect, orientation and vegetation.
- Avoid or minimise the removal of vegetation.
- Site new buildings as far from the bushfire hazard as practicable.
- Minimise the need for long access and egress routes through areas of bushfire hazard and locate habitable buildings as close as practicable to property entrances.
- Provide safe access and egress for emergency services.

#### Decision guidelines

Before deciding on an application the responsible authority must consider:

- Reasonable siting options which may be available to achieve acceptable bushfire protection through the siting of development.
- Whether acceptable bushfire protection has been achieved through the siting and layout of the development.

**52.47-8**

18/11/2011  
VC83

**Defendable space and construction for other occupied buildings objective**

To ensure that the defendable space to be provided and the construction of buildings are appropriate to the number, age and mobility of anticipated occupants.

This objective only applies to an application to construct or extend a building in association with the following uses:

- Accommodation (other than a dwelling or a dependent person's unit)
- Child care centre
- Education centre
- Hospital
- Leisure and recreation
- Place of assembly

**Mandatory Standard BF8.1**

Defendable space and construction requirements must be calculated:

- In accordance with the requirements of the Building Act 1993 but substituting Table 2 to this clause for Table 2.4.2 in AS3959 Construction of buildings in bushfire prone areas (Standards Australia), or
- Using an alternative method to the satisfaction of the relevant fire authority.

**Standard BF8.2**

Buildings should be provided with the defendable space specified in Table 2. This does not apply where an alternative method in accordance with Standard BF8.1 is used to calculate defendable space and construction requirements where defendable space must be provided to the satisfaction of the relevant fire authority.

Buildings should be sited, designed and constructed having regard to the likely future occupants.

**Decision guidelines**

Before deciding on an application the responsible authority must consider:

- The bushfire site assessment prepared in accordance with Standard BF8.1.
- Whether an appropriate level of defendable space has been provided.
- The characteristics of any likely future occupants including their expected age, mobility and capacity to evacuate during a bushfire emergency.
- The intended frequency and nature of occupation.
- The need for a bushfire emergency plan to be prepared to the satisfaction of the relevant fire authority.
- Any relevant guidance published by the relevant fire authority.
- The likelihood of fire service or other emergency service attendance in the event of a bushfire.
- The need for bushfire emergency and evacuation procedures.

## 56.01-1 Subdivision site and context description

09/10/2008  
VC42

- An application for subdivision of 60 or more lots must also describe in relation to the surrounding area:
  - Location, distance and type of any nearby public open space and recreational facilities.
  - Direction and distances to local shops and community facilities.
  - Directions and walking distances to public transport routes and stops.
  
  - Direction and walking distances to existing neighbourhood, major and principal activity centres and major employment areas.
  - Existing transport routes, including freeways, arterial roads and streets connecting neighbourhoods.
  - Local street network including potential connections to adjacent subdivisions.
  - Traffic volumes and movements on adjacent roads and streets.
  - Pedestrian, bicycle and shared paths identifying whether their primary role is neighbourhood or regional access.
  - Any places of cultural significance.
  - Natural features including trees and other significant vegetation, drainage lines, water courses, wetlands, ridgelines and hill tops.
  - Proximity of any fire threats.
  - Pattern of ownership of adjoining lots.

**56.06-3**

09/10/2008  
VC42

**Public transport network objectives**

To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system.

To encourage maximum use of public transport.

**Standard C16**

The public transport network should be designed to:

- Implement any relevant public transport strategy, plan or policy for the area set out in this scheme.
- Connect new public transport routes to existing and proposed routes to the satisfaction of the relevant public transport authority.
- Provide for public transport links between activity centres and other locations that attract people using the Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne.
- Locate regional bus routes principally on arterial roads and locate local bus services principally on connector streets to provide:
  - Safe and direct movement between activity centres without complicated turning manoeuvres.
  - Direct travel between neighbourhoods and neighbourhood activity centres.
  - A short and safe walk to a public transport stop from most dwellings.

**56.06-4**

18/06/2010  
VC62

**Neighbourhood street network objective**

To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.

**Standard C17**

The neighbourhood street network must:

- Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, shared paths, footpaths and public transport routes.
- Provide clear physical distinctions between arterial roads and neighbourhood street types.
- Comply with the Roads Corporation's arterial road access management policies.
- Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport.
- Provide safe and efficient access to activity centres for commercial and freight vehicles.
- Provide safe and efficient access to all lots for service and emergency vehicles.
- Provide safe movement for all vehicles.

- Incorporate any necessary traffic control measures and traffic management infrastructure.

The neighbourhood street network should be designed to:

- Implement any relevant transport strategy, plan or policy for the area set out in this scheme.
- Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand.
- Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand.
- Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles.
- Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles.
- Provide an appropriate level of local traffic dispersal.
- Indicate the appropriate street type.
- Provide a speed environment that is appropriate to the street type.
- Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles).
- Encourage appropriate and safe pedestrian, cyclist and driver behaviour.
- Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles.
- Minimise the provision of culs-de-sac.
- Provide for service and emergency vehicles to safely turn at the end of a dead-end street.
- Facilitate solar orientation of lots.
- Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees.
- Contribute to the area's character and identity.
- Take account of any identified significant features.



# MIDLAND Express

Monday July 20, 2015

## Lucky escape

By Angela Crawford

Jan. 27, 2015, midnight



A truck jackknifed and collided with a rail bridge at Riddells Creek on Saturday afternoon.

The driver of a prime mover was lucky to escape injury when his truck collided with a rail bridge at Riddells Creek on Saturday afternoon.

The accident occurred at about 3pm when the driver came around a bend too quickly and tried to apply the brakes but they locked.

He steered away from cars waiting to turn at the intersection, but the truck jackknifed and collided with the bridge on Riddell Road, between Markham Road and Kilmore Road.

The driver, aged in his 40s from Gordon, suffered minor injuries and was treated at the scene. The bridge sustained minimal damage and the truck was written off. It was not carrying a load.

Traffic was diverted while the road was closed for a couple of hours.

# Nillumbik Municipal Fire Management Plan

## 2016-2019

Within the rural areas of the municipality, there are a number of communities with restricted access and egress. This is due to the pattern of existing roads (both minor unsealed access roads and major arterial roads), being predominantly single carriageways that follow the topography and landscape. This creates challenges in planning bushfire mitigation programs. There are additional concerns relating to the ability of road networks to accommodate the evacuation of an area's population during a fire event, and emergency fire fighting vehicles and police being unable to respond in certain areas and under certain conditions.

### ***Access and Egress in an emergency context***

Roads provide access and egress for the community, emergency services and other service providers. In an emergency context this means facilitating residents leaving an impacted or threatened area, residents returning to the area, emergency services responding into an area and the delivery of recovery services.

**Note: THERE SHOULD BE NO EXPECTATION THAT ROAD TRAVEL WILL BE SAFE IMMEDIATELY BEFORE, DURING AND IMMEDIATELY AFTER FIRES OR OTHER EMERGENCIES.**

### ***The Risk***

There is a risk that impacted roads will fail, leading to the following consequences:

Residents will be trapped and unable to escape the fire

Emergency services will not be able to respond into impacted areas

Residents will not be able to return to their homes

The recovery services will not be able to be delivered.

### ***References:***

The following publications were considered in the development of this treatment plan:

CFA Roadside Management Guidelines

2009 Victorian Bushfire Royal Commission final report

Road Bushfire Assessment Guidelines and Methodology

Evaluation of roadside vegetation management for fire management purposes

Panel Report

# Macedon Ranges Planning Scheme Amendment C100 Riddells Creek Structure Plan

## 2.5 Other background documents

Council prepared or commissioned the following documents in support of the *Structure Plan* process and/or the development of the Amendment:

- *Riddells Creek Residential Land Needs Assessment*, July 2013 (SGS Economics and Planning)
- *Riddells Creek Commercial and Industrial Study, Revised Draft*, February 2013 (SGS Economics and Planning)
- *Riddells Creek Residential Demand Assessment*, March 2016 (Urban Enterprises)
- *Riddells Creek Bushfire Risk Assessment*, February 2016 (Terramatrix).

The Panel has considered the relevant elements of these reports and, where appropriate, refers to them in this report.

- Clause 13.05-1 (Bushfire planning strategies and principles) includes the overarching strategies:

*Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.*

*Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.*

- Clause 21.06-3 (Bushfire) supports prioritising fire risk in planning decisions, avoiding increasing bushfire risk and minimising exposure of people to bushfire risk.

### (vii) **Planning Practice Note 64 – Local Planning for Bushfire Protection (PPN64)**

*PPN64* provides guidance about local planning for bushfire protection and assists councils to tailor the Local Planning Policy Framework in response to bushfire matters where necessary.

Parliament of Victoria

2009 Victorian Bushfires Royal Commission

ISBN 978-0-9807408-1-3

Published July 2010

Volume I 978-0-9807408-2-0

Volume II 978-0-9807408-3-7

Volume III 978-0-9807408-4-4

Volume IV 978-0-9807408-5-1

In the case of bushfires, roads and roadsides can be important fuel breaks, so road managers need to reduce the fuel levels in preparation for the fire season. Roads are also essential for people seeking to escape fires and for emergency services seeking access to fires. Since the 2009 fires land and road managers and the CFA have identified high-risk roads and are carrying out fuel-reduction work to reduce the future risks of bushfire.

Note in the 2014 Riddells Creek grass fire it was noted that the railway line did **not** act as a firebreak due to several reasons. The main reason by the CFA was that the Significant Native Grass Reserve is unmanaged and compromised it acting as a firebreak.

The grass fire simply jumped the railway line resulting in the fire impeding towards the "Riddells Creek Emergency Assembly Area" resulting in the CFA having to take action and all evacuees couldn't flee as the only road from town to south was blocked and all other roads had unmanaged vegetation so a wall of CFA Fire Trucks were placed between the public evacuees and the fire whilst Fire fighting helicopters were used to control the advancing fire to a point the fire trucks could cope.

As a result of fire and water the railway line at great cost had to be replaced in that area causing the daily life for rail commuters to suffer.

So the Railway Line in the Township of Riddells Creek is not deemed a fire break asset and needs that infrastructure to be protected

But from CFA Media residential subdivision is so this implementation may protect the Macedon Ranges from fire in the south as if it got in the Macedon Ranges it may not stop till it reaches the Murray River

## Preparing and Assessing a Planning Application under the Bushfire Provisions in Planning Schemes

### General guidance for new subdivision

#### Roads

- 13 Future residents and fire authorities require safe access within the subdivision and to and from the subdivision.
- 14 Two different access options to the wider road network will enhance bushfire safety and support more effective fire fighting.
- 15 Direct roads away from the bushfire hazard and avoid situations where roads pass through areas of unmanaged vegetation.
- 16 Apply the requirements of Clause 56 of planning schemes when designing the road network.

# Macedon Ranges Shire Council Riddells Creek Bushfire Risk Assessment

Report commissioned by  
Macedon Ranges Shire Council

February 2016

#### 4.6.4 Bushfire Controls for the Proposed UGZ areas

The two proposed UGZ areas represent green field sites, and can be designed with protective features that provide a hard edge against grassfire. These could comprise perimeter roads, public open space to provide assured low fuel setbacks, and minimum BAL-12.5 construction for houses. The road network could be designed to facilitate movement of residents away from the interface with the grassland and to facilitate property protection by the fire services, through provision of



multiple 'spoke' roads that connect the 'rim' perimeter road to the safe area within the 'hub' of the precinct. A community facility near the 'hub' could provide a formal or informal place of shelter and reduce reliance on the existing NSP.

## 6 PLANNING AND BUILDING

### 6.3.2 SETTLEMENT PATTERNS

Professor Hansen told the Commission about the need for good planning and the risks inherent in allowing residential development and population growth in bushfire-prone areas without adequately considering bushfire risk:

In my opinion seeking to protect communities living in dwellings scattered across rural landscapes from the ravages of bushfire, often with one access road in and out, is tantamount to 'death trap' planning. Unfortunately there are areas within Victoria where rural living and rural residential development is characterized by this pattern of settlement and yet, in my opinion, it is this very type of settlement pattern that makes it very difficult for planning and building provisions to avoid and manage bushfire risk.<sup>41</sup>

This question of land fragmentation was also nominated by Mr Greg Johnson of Friends of Nillumbik as one of the challenges facing Nillumbik Shire Council in land-use planning to reduce bushfire risk.<sup>42</sup>





# PLANNING FOR BUSHFIRE VICTORIA



## GUIDELINES FOR MEETING VICTORIA'S BUSHFIRE PLANNING REQUIREMENTS

Land use planning plays a central role in building community resilience and safety. Indeed, one of the key findings of the 2009 Victorian Bushfires Royal Commission (VBRC) was the need for planning to prioritise human life over all other policy objectives. This priority was enshrined in Victoria's Planning Provisions through Planning Scheme Amendment VC83.

- access routes should be located away from the bushfire hazard and sited where the bushfire risk and vegetation removal are minimised.

Access routes should be located away from the bushfire hazard.

### **Existing development**

The proximity of a subdivision in relation to established urban or township areas can also influence the bushfire risk. Subdivisions should be located close to public roads and access ways and provide clear and ready access from all properties to the public road system for both residents and firefighters. Access routes should be located away from the bushfire hazard.

### **Do I need to consider bushfire if my subdivision is not covered by the BMO?**

If a development is not covered by the BMO bushfire risk should still be considered in accordance with the State Planning Policy at Clause 13.05. Bushfire risk should be managed irrespective of whether the site is covered by the BMO and all subdivisions should be designed to reflect the level of bushfire risk on the site.

- Direct roads away from the bushfire hazard and avoid situations where roads pass through areas of unmanaged vegetation
- Provide perimeter ring roads.

## **ACCESS FOR SUBDIVISIONS**

### **General requirements for subdivision objectives (as relevant to access)**

To ensure that all lots created are capable of:

- providing safe access to properties for emergency and other vehicles at all times.

### **Standards BF1 and BF2 for access (in part)**

All lots created should be capable of providing:

- access and egress which meet the requirements of the relevant fire authority.

For subdivisions of 10 lots or more, the need for a perimeter road to be provided adjoining the bushfire hazard for firefighting purposes should be considered.

## Planning Practice Note 64

September 2015

# Local planning for bushfire protection

### Information that may inform a schedule

A schedule that seeks to modify the measures in Clause 52.47 requires a clear justification and must be able to demonstrate that the modified measures continue to give effect to the objectives in Clause 52.47. The justification will be included in the explanatory report for any planning scheme amendment which seeks to introduce a schedule. **A schedule is not an appropriate tool to reduce bushfire measures where inconsistent with prioritising human life.**

### Four-step approach to considering bushfire

STEP 1: Establish the context.

STEP 2: Identify the risks from bushfire.

STEP 3: Analyse and evaluate the risks.

STEP 4: **Translate risk mitigation into planning scheme provisions.**

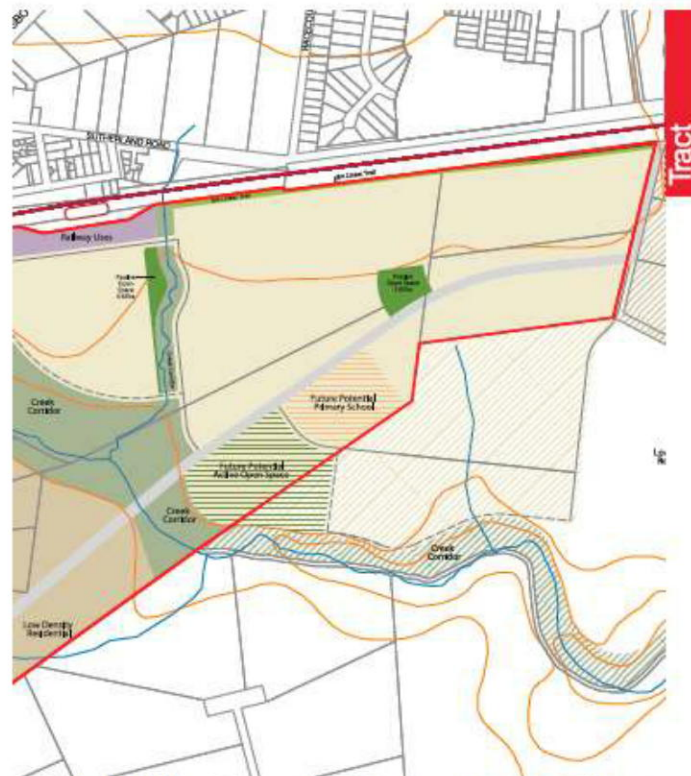
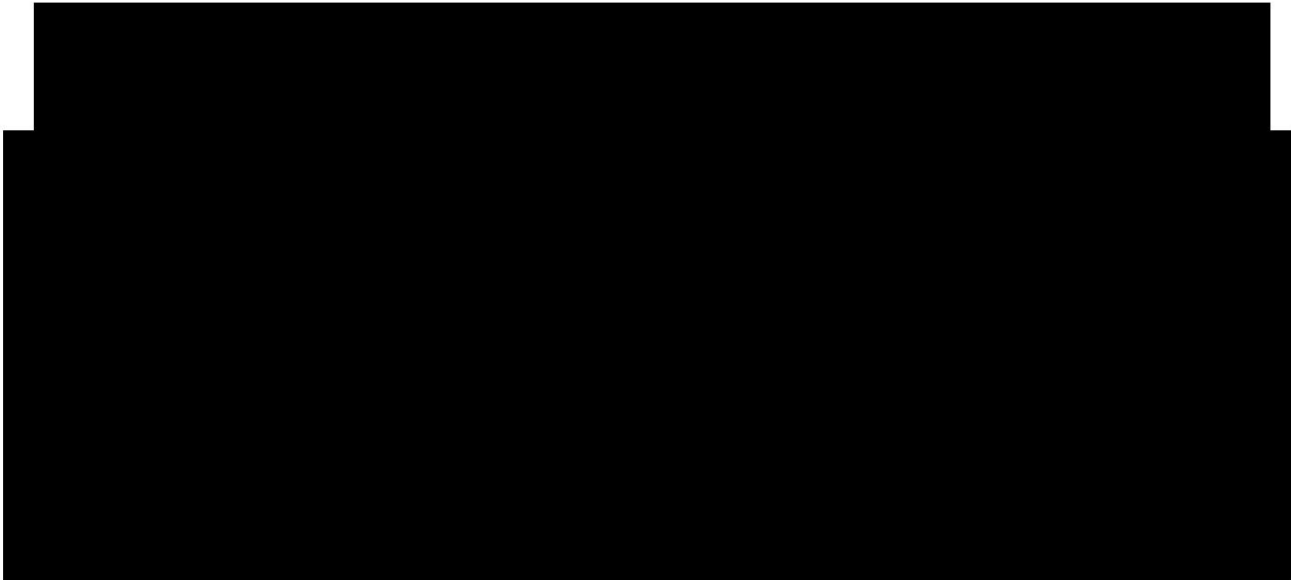
### Step 1 – Establish the context

Establishing the context provides factual information which will be important when thinking about the way bushfire considerations may impact on local planning decisions. It will also support discussions with the relevant fire authority and seeking authorisation to proceed with a planning scheme amendment. The following information will help establish the bushfire context:

- a locality and site description
- the location of the settlement or site in the surrounding landscape (use 20km, 10km and 1km radius from a settlement or planning proposal site)
- the relevant Regional Bushfire Planning Assessment which provides a high level analysis of locations where the bushfire hazard may impact on planning objectives
- whether an area is included in the Bushfire Management Overlay
- whether an area is a designated Bushfire Prone Area under the Building Regulations 2006 (regulation 810)
- relevant fire history in the local and wider area
- Municipal Fire Prevention Plans
- the surrounding road network and the availability of strategic access to safer locations
- the Victorian Fire Risk Register
- the way in which existing settlement patterns, site coverage, lot size, density, development structure and vegetation patterns may impact on bushfire behaviour

### Features of the location or site that affect the level of risk

- access and egress both to the location or site within it
- proximity to established urban or township areas
- vegetation on site that planning schemes seek to protect.
- Regional Bushfire Planning Assessment identified single road access to many rural lots which hinder evacuation to a safer place.



# Riddell's Creek Structure Plan

Southern Development Option



C100/85



Our Ref: 2000-205833-212098  
 Telephone: 8746 1400  
 Council Ref: C 100

28 October 2015

Ms Sophie Segafredo  
 Strategic Planning and Environment  
 Macedon Ranges Shire Council  
 PO Box 151  
 Kyneton VIC 3444



Dear Sophie

## SUBMISSION TO PLANNING SCHEME AMENDMENT

**Proposal:** C100  
**Council:** Macedon Ranges Shire Council

Thank -you for providing CFA notice of Macedon Ranges Shire Council  
 Planning Scheme Amendment C100 - Riddell's Creek Structure Plan.  
 CFA has reviewed the exhibited documents and makes the following  
 submission.

### Bushfire Hazard

Riddell's Creek is a township that could be exposed to two distinct fire risk  
 events – bushfire from the north, (Mt Macedon, Macedon, Cherokee,  
 Barringo) and grassfire from the south/ southwest (Gisborne, Gisborne South,  
 Sunbury)

The township has experienced several, major fires including Ash Wednesday  
 1983 and Dalrymple Road Fire 2013.

The main bushfire hazard to Riddell's Creek is the forest vegetation to the  
 north and north-west of the existing settlement in the Macedon Ranges. The  
 Bushfire Management Overlay (BMO) covers the hazard.

### Relevant Planning Context

Ministerial Direction 11 requires a planning authority to evaluate how the amendment addresses  
 any relevant bushfire risk. Practice Note 46 provides further direction for preparing amendments  
 and required a planning authority to address all comments from relevant referral or statutory  
 authorities.

Clause 13.05 *Bushfire* sets out strategies and principles with the objective of strengthening  
 community resilience to bushfire.

The overarching strategies are to:

### Protecting lives and property

#### North West Region

**Bendigo**  
**D02 Headquarters**  
 45 Chapel Street  
 PO Box 3  
 Bendigo Central Vic  
 3552  
 T: 03 5430 2200  
 F: 03 5442 2246

**Melton**  
**D14 Headquarters**  
 251 High Street  
 PO Box 50  
 Melton Vic 3337  
 T: 03 8746 1400  
 F: 03 8746 1480

**Swan Hill**  
**D18 Headquarters**  
 120 Curlewis Street  
 PO Box 556  
 Swan Hill Vic 3585  
 T: 03 5038 2800  
 F: 03 5038 2882

**Kerang**  
**D20 Headquarters**  
 56 Fitzroy Street  
 PO Box 152  
 Kerang Vic 3579  
 T: 03 5450 3406  
 F: 03 5452 2531

cfa.vic.gov.au





*Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.*

*Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.*

Clause 13.05 also includes the strategic and settlement planning strategy to:

*Ensure that strategic and settlement planning assists with strengthening community resilience to bushfire.*

#### **Assessment**

##### **Municipal Strategic Statement**

The Amendment includes changes to the Municipal Strategic Statement (MSS). In the Environmental Risks section, CFA recommends that Strategy 4.1 be reworded for clarity and consistency with Objective 4. Words to the effect of 'Limit new development and subdivision in the LDRZ to the north and west of the township and in the Rural Bush land neighborhood character precincts.'

CFA recommends any new development should be directed away from the northern/ northern western localities to Gisborne/ Kilmore Road and be provided in the southern/ south eastern localities.

CFA also recommends priority should be given to infill development within the existing township area. This will reduce the potential of *fire spotting* from any bushfire event north of the township running into the township onto vacant unmanaged land.

This strategy could also draw on the strategies from Clause 13.05 Bushfire and include words to the effect of 'Development should only proceed where the risk to life and property from bushfire can be reduced to an acceptable level.' It would also be useful to identify where the 'highest risk sites' are i.e. land covered by the BMO.

##### **Neighborhood Character Precincts**

Each of the Rural Bush land Precincts identifies the need to constrain growth to 'minimize the bushfire impact,' CFA recommends rewording for clarity or including a specific objective and strategies relating to bushfire. These could include; siting new development to have regard to bushfire risk by maximizing separation from the hazard, ensuring any new landscaping doesn't compromise the ability of residents to implement and maintain defensible space, ensuring risk to existing and future residents will not increase as a result of future land use and development.

##### **Conclusion**

CFA requests a change to the form of the proposed amendment as outlined above.

If you wish to discuss this matter in more detail, please do not hesitate to contact David Allen, Manager Community Safety, on 8746 1400

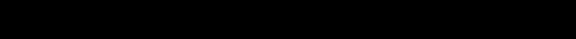
Yours sincerely

**Chris Eagle**  
Assistant Chief Officer  
Country Fire Authority



Subject: Rezoning Lot4 on PS402075 51 Aitken St Gisborne



We are opposed to the rezoning as proposed. This parcel of land was sold to a developer in an off-market deal that was widely objected to by ratepayers. Now that the developer has commenced work on the site it seems extraordinary that those impacted are asked to comment on the rezoning when it is a foregone conclusion that the rezoning will be approved. Yes we object to the increased traffic flow and noise that will accompany this development and yes we would prefer that the land remained in the public domain but we further object to the process that perpetuates the myth that objectors can have any impact on the rezoning process . 

# Have your say: C126

Submission date: 26 March 2020, 7:03PM

Receipt number: C126-4

Related form version: 1

Question	Response
Your full name	
Postal address	
Email	
Phone number	
Please share your feedback on Amendment C126:	I fully support Council's proposed amendment of the Mount Gisborne Bushland Reserve's zone to Public Conservation and Resource Zone. I also fully support the changes in Zone for the other nominated Bushland reserves within the shire.
If you would prefer, you can upload a written submission:	

To whom it may concern,

I wish to make the following submission in relation to the MRSC Planning Scheme Amendment C126MARC - Zone Correction Bushland Reserves, see below.

I fully support the Amendment to rezone the following Bushland Reserves to PCRZ and agree with DELWP's Planning and Biodiversity, December 2017 guidance note that advises that reserves established for conservation purposes should be rezoned PCRZ in accordance with the guidance note, the PCRZ is the appropriate replacement zone.

Council owned public land ten (10) bushland reserves as follows:

Change:

2	Gisborne	Hobbs Road
	Mapping Reference	33ZN
3	Gisborne	Mount Gisborne Bushland Reserve
	Mapping Reference	43ZN
4	Gisborne	Magnet Hill Bushland Reserve
	Mapping Reference	36ZN
5	Kyneton	Bald Hill Bushland Reserve
	Mapping Reference	72ZN
6	Macedon	Barringo Reserve
	Mapping Reference	23ZN & 35ZN
7.	Mount Macedon	Stanley Park Reserve
	Mapping Reference	27ZN
9.	Malmsbury	Malmsbury Common Bushland Reserve Nth
	Mapping Reference	5ZN
10	Malmsbury	Malmsbury Common Bushland Reserve Sth
	Mapping Reference	5ZN
11.	Woodend	Browning Street Conservation Reserve
	Mapping Reference	24ZN
17.	Riddells Creek	Sandy Creek Bushland Reserve
	Mapping Reference	39ZN

**In accordance with the guidance note, the PCRZ (Public Conservation and Resource Zone) is the most appropriate replacement zone for these Bushland Reserves.**

Thank you



# Have your say: C126

Submission date: 29 March 2020, 11:15AM

Receipt number: C126-5

Related form version: 1

Question	Response
Your full name	[REDACTED]
Postal address	
Email	
Phone number	
Please share your feedback on Amendment C126:	[REDACTED] are happy to support the proposed amendment as it affects Mount Gisborne Nature Reserve.
If you would prefer, you can upload a written submission:	

# Have your say: C126

Submission date: 9 March 2020, 2:25PM

Receipt number: C126-3

Related form version: 1

Question	Response
Your full name	[REDACTED]
Postal address	
Email	
Phone number	
Please share your feedback on Amendment C126:	<p>We understand that a small piece of land marked as [REDACTED] is to be rezoned as Commercial. We don't have any specific concerns about the rezoning itself however we have ongoing concerns about who is responsible for keeping the creek/drain that runs through that area [REDACTED] clear for water to run through.</p> <p>[REDACTED] when there was quite heavy rain, the creek/drain [REDACTED] flooded and rose up [REDACTED] blocked by blackberry and trees growing in it. [REDACTED] concerned about. We understand that this [REDACTED] not the responsibility of either MRSC or Western Water and is therefore not being maintained by anybody. [REDACTED]</p> <p>Can you please clarify who is responsible for this area and how keeping it clear will be enforced? It is potentially sending blackberries down the creek/drain into Riddells creek proper which is of concern too.</p>

If you would prefer, you can upload a written submission:



Re: ESO2 REMOVAL

MACEDON RANGES SHIRE COUNCIL,  
 Congratulations  
 on ESO2 removal.

[redacted] and keen on  
 this area improving. Dairy farming ceased, [redacted]  
 [redacted] along the main  
 road to dip them in Council's Romsey Town dip. It is  
 now a 4 lane 100km per hr. road. Monegeetta has a good  
 Fire Brigade Shed (with water) 2 vital family business  
 ventures the district needs, Bolinda a school and Hall.  
 With buses, improved rail and roads, only 2 items  
 appear to need attention.

1/ Since 1965 the number of horses in this  
 Bolinda-Monegeetta area has steadily increased.

2/ Permits to Build. Horses and other livestock  
 are not neglected if owners live on the property.  
 Drier, hotter weather, Kangaroos (here since Ash  
 Wednesday and less firearms) can smash fences  
 at night making them and other livestock a worry  
 for motorists. (The ventures listed above need  
 more members and the few farmers left could do  
 with a bit more help. Two present Councillors have  
 long time knowledge of all of the above.

REGARDS [redacted]





To whom it may concern,

I wish to make the following submission in relation to the MRSC Planning Scheme Amendment C126MARC - Zone Correction Bushland Reserves, see attached.

I fully support the Amendment to rezone the following Bushland Reserves to PCRZ and agree with DELWP's Planning and Biodiversity, December 2017 guidance note that advises that reserves established for conservation purposes should be rezoned PCRZ in accordance with the guidance note, the PCRZ is the appropriate replacement zone.



To whom it may concern,

██████████ would like to make the following submission in relation to the MRSC Planning Scheme Amendment C126MARC - Zone Correction Bushland Reserves.

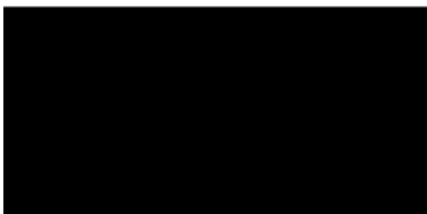
██████████ fully supports the Amendment to rezone the following Bushland Reserves to PCRZ and agrees with DELWP's Planning and Biodiversity, December 2017 guidance note that advises that reserves established for conservation purposes should be rezoned to PCRZ in accordance with the guidance note, the PCRZ is the appropriate replacement zone.

Council owned public land ten (10) bushland reserves as follows:

Change:

2	Gisborne	Hobbs Road
	Mapping Reference	33ZN
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	Mapping Reference	43ZN
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	Mapping Reference	36ZN
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	Mapping Reference	27ZN
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	Mapping Reference	5ZN
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	Mapping Reference	5ZN
11.	Woodend	Browning Street Conservation Reserve
	Mapping Reference	24ZN
17.	Riddells Creek	Sandy Creek Bushland Reserve
	Mapping Reference	39ZN

In accordance with the guidance note, the PCRZ (Public Conservation and Resource Zone) is the most appropriate replacement zone for these Bushland Reserves.



Dear Mr Wiltshire,  
Strategic Planner,  
Macedon Ranges Shire Council,



Strategic Planner,  
Macedon Ranges Shire Council,

Thank you for your recent Letter with regard to the Macedon Ranges Planning Scheme, Amendment C126macr.

I am, as you rightly pointed out, affected by the proposed amendment. The area [REDACTED] [REDACTED] is in the area which you designate in your letter as [REDACTED] which you say the amendment proposes to alter.

Your proposal suggests that the area [REDACTED] south of the railway in Riddells Creek be amended from "Priority Residential Development Precinct" to "Future Investigation Area" to make it consistent with the designation on the Riddells Creek Strategic Framework Map is not actually consistent with what the Council had in fact decided before the Strategic Plan was presented to the Minister. It is not consistent with the Map that was produced after the Minister rejected the proposal to Gazette that area as residential. That Map actually showed the area designated quite clearly as "Priority Residential Development Precinct" as opposed to "Future Investigation Area". This area has already been thoroughly investigated and a full Planning Panel Committee already stated that it should be acceptable as the current residential development in Riddells Creek. No "Future Investigation" was in fact required.

The area in Riddells Creek as "Priority Residential Development Precinct" is inside the town boundary. The "Future Investigation Area" in the other parts of the Council Strategic Statement are not inside the Town Boundaries. Therefore, there is certainly is an inconsistency in the Municipal Strategic Statement.

Riddells Creek has its own unique area, inside the town boundary, which should still be distinguished from the other parts of the Shire which have "Future Investigation Areas" outside the town boundaries.

I thank you for allowing me to make this submission and I look forward to yours reply.

Yours faithfully,

[REDACTED]

**Macedon Ranges Shire Council**  
**Macedon Ranges Planning Scheme**  
**Amendment C126MACR**  
[mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au)

30<sup>th</sup> March 2020

To whom it may concern

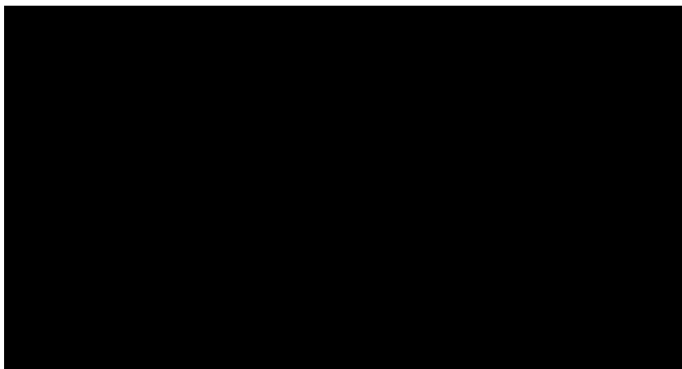
**Re: Macedon Ranges Planning Scheme- Amendment C126MACR**

I would like to sincerely thank the Macedon Ranges Shire Council for the initiative to rezone the ten council owned Bushland Reserves in the Shire with this current Amendment C126MACR to the Planning Scheme. This has been outstanding for a very long time.

I fully support the rezoning of the ten Bushland Reserves listed in Amendment C126MACR, (see below). I am thrilled to support that these ten Bushland Reserve be rezoned to PCRS (Public Conservation and Resource Zone) in accordance with the guidance note as PCRZ being the most appropriate replacement zone for the below listed Bushland Reserves.

Our very special flora and fauna will thank you.

Regards



## MACEDON RANGES PLANNING SCHEME AMENDMENT C126MACR

### SUMMARY ZONE CORRECTIONS

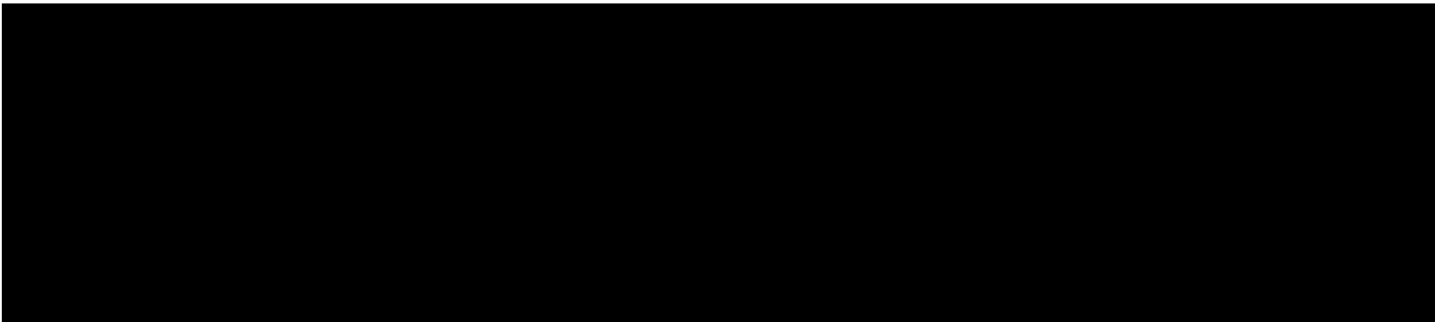
#### COUNCIL OWNED PUBLIC LAND

#### TEN (10) BUSHLAND RESERVES AS FOLLOWS:

In accordance with the guidance note, the PCRZ (Public Conservation and Resource Zone) is the most appropriate replacement zone for the following Bushland Reserves.

Change:

2	Gisborne	Hobbs Road	Mapping Reference	33ZN
3	Gisborne	Mount Gisborne Bushland Reserve	Mapping Reference	43ZN
4	Gisborne	Magnet Hill Bushland Reserve	Mapping Reference	36ZN
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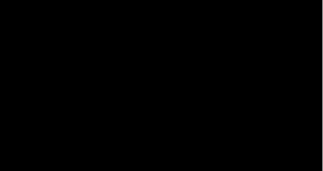


To whom it may concern,

I wish to make the following submission in relation to the MRSC planning scheme amendment C126MARC - Zone Correction Bushland Reserves, see attached.

I fully support the amendment to rezone the attached Bushland Reserves to PCRZ and agree with the DELWP guidance note - Planning and Biodiversity, December 2017. This guidance note advises that reserves established for conservation purposes should be rezoned PCRZ.

In accordance with this guidance note, PCRZ is the appropriate zone correction for the attached reserves.



# Have your say: C126

Submission date: 29 March 2020, 4:46PM

Receipt number: C126-6

Related form version: 1

Question	Response
Your full name	
Postal address	
Email	
Phone number	
Please share your feedback on Amendment C126:	<p>Submission</p> <p><b>MACEDON RANGES PLANNING SCHEME AMENDMENT C126MARC SUMMARY ZONE CORRECTIONS</b></p> <p><b>COUNCIL OWNED PUBLIC LAND TEN (10) BUSHLAND RESERVES AS FOLLOWS:</b></p> <p>In accordance with the guidance note, the PCRZ (Public Conservation and Resource Zone) is the most appropriate replacement zone for the following Bushland Reserves.</p> <p>Change:</p> <p>2 Gisborne Hobbs Road Mapping Reference 33ZN</p> <p>3 Gisborne Mount Gisborne Bushland Reserve Mapping Reference 43ZN</p> <p>4 Gisborne Magnet Hill Bushland Reserve Mapping Reference 36ZN</p> <p>5 Kyneton Bald Hill Bushland Reserve Mapping Reference 72ZN</p> <p>6 Macedon Barringo Reserve Mapping Reference 23ZN &amp; 35ZN</p> <p>7. Mount Macedon Stanley Park Reserve Mapping Reference 27ZN</p> <p>9. Malmsbury Malmsbury Common Bushland Reserve Nth Mapping Reference 5ZN</p> <p>10 Malmsbury Malmsbury Common Bushland Reserve Sth Mapping Reference 5ZN</p> <p>11. Woodend Browning Street Conservation Reserve Mapping Reference 24ZN</p> <p>17. Riddells Creek Sandy Creek Bushland Reserve Mapping Reference 39ZN</p> <p>I agree.</p> <p>The ten bushland reserves as indicated require protection via PCRZ, and it goes</p>

without question that with the beginning of unprecedented urban sprawl impacting every town and hamlet our community is only now recognising how vital it is that we obtain appropriate strategic local planning policies in place that will protect our environment and the ten bushland reserves are a good start. Council is the representative of the community and has carriage for reflecting and protecting our landscape therefore it is appropriate to recognise and remind our council that they are the architectures of the watering down of State Planning Policy No 8 that was introduced to protect the environmentally sensitive Macedon Ranges back in 1975. As residents we must remain vigilant and remind ourselves, and our representatives of the values that we hold dear and the high cost to our environment if they fail to manage our resources properly.

If you would prefer, you can upload a written submission:



**Macedon Ranges Shire Council**  
**Macedon Ranges Planning Scheme**  
**Amendment C126MACR**  
[mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au)

30<sup>th</sup> March 2020

To whom it may concern

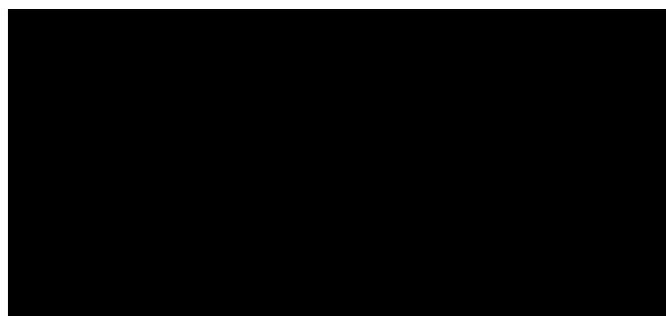
**Re: Macedon Ranges Planning Scheme- Amendment C126MACR**

[REDACTED] would like to thank the Macedon Ranges Shire Council for the initiative to rezone the ten council owned Bushland Reserves in the Shire with this current Amendment C126MACR to the Planning Scheme.

[REDACTED] fully supports the rezoning of the ten Bushland Reserves listed in Amendment C126MACR, (see below). We unanimously support that these ten Bushland Reserve be rezoned to PCRZ (Public Conservation and Resource Zone) in accordance with the guidance note as PCRZ being the most appropriate replacement zone for the below listed Bushland Reserves.

Our very special flora and fauna will thank you.

Regards



## MACEDON RANGES PLANNING SCHEME AMENDMENT C126MACR

### SUMMARY ZONE CORRECTIONS

#### COUNCIL OWNED PUBLIC LAND

#### TEN (10) BUSHLAND RESERVES AS FOLLOWS:

In accordance with the guidance note, the PCRZ (Public Conservation and Resource Zone) is the most appropriate replacement zone for the following Bushland Reserves.

Change:

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11.	Woodend	Browning Street Conservation Reserve	Mapping Reference	24ZN
17.	Riddells Creek	Sandy Creek Bushland Reserve	Mapping Reference	39ZN

30 March 2020

To whom it may concern,

I wish to make the following submission in relation to the Macedon Ranges Shire Council Planning Scheme Amendment C126MACR – Zone Correction Bushland Reserves;

**MACEDON RANGES PLANNING SCHEME  
AMENDMENT C126MACR**

**SUMMARY  
ZONE CORRECTIONS**

**COUNCIL OWNED PUBLIC LAND**

**TEN (10) BUSHLAND RESERVES AS FOLLOWS:**

**In accordance with the guidance note, the PCRZ (Public Conservation and Resource Zone) is the most appropriate replacement zone for the following Bushland Reserves;**

**Change:**

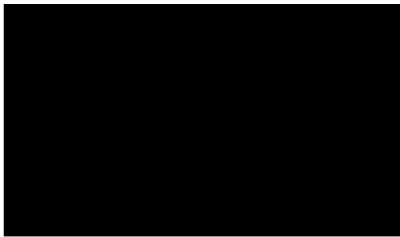
2	Gisborne	Hobbs Road	Mapping Reference 33ZN
3	Gisborne	Mount Gisborne Bushland Reserve	Mapping Reference 43ZN
4	Gisborne	Magnet Hell Bushland Reserve	Mapping Reference 36ZN
5	Kyneton	Bald Hill Bushland Reserve	Mapping Reference 72ZN
6	Macedon	Barringo Reserve	Mapping Reference 23ZN & 35ZN
7	Mt Macedon	Stanley Park Reserve	Mapping Reference 27ZN
9.	Malmsbury	Malmsbury Common Bushland Reserve Nth	Mapping Reference 5ZN
10.	Malmsbury	Malmsbury Common Bushland Reserve Sth	Mapping Reference 5ZN
11	Woodend	Browning Street Conservation Reserve	Mapping Reference 24ZN

17 Riddells Ck Sandy Creek Bushland Reserve Mapping Reference 39ZN

I would also like to state that in accordance with the guidance note, that PCRZ is the most appropriate replacement zone for these Reserves.

I fully support the Amendment to rezone the following Bushland and Conservation Reserves to PCRZ and agree with DELWP's Planning and Biodiversity, December 2017 guidance note that advises that Reserves established for conservation purposes should be rezoned PCRZ in accordance with the guidance note.

Yours sincerely,



**Subject: MRSC Amendment C126MACR**

To whom it may concern,

I wish to make the following submission in relation to the MRSC planning scheme amendment C126MARC - Zone Correction Bushland Reserves, see attached.

I fully support the amendment to rezone the attached Bushland Reserves to PCRZ and agree with the DELWP guidance note - Planning and Biodiversity, December 2017. This guidance note advises that reserves established for conservation purposes should be rezoned PCRZ.

In accordance with this guidance note, PCRZ is the appropriate zone correction for the attached reserves.

Regards

[Redacted signature]



Dear Council,

I wish to make the following submission in support of amendments to the MRSC Planning Scheme Amendment C126MARC - Zone Correction Bushland Reserves, as below.  
Bringing Council inline with DELWP"s Planning and Biodiversity, December 2017 guidance note that advises that reserves established for conservation purposes should be rezoned PCRZ being the appropriate zone.

Regards,



**MACEDON RANGES PLANNING SCHEME**

**AMENDMENT C126MARC**

**SUMMARY**

**ZONE CORRECTIONS**

**COUNCIL OWNED PUBLIC LAND**

**TEN (10) BUSHLAND RESERVES AS FOLLOWS:**

**In accordance with the guidance note, the PCRZ (Public Conservation and Resource Zone) is the most appropriate replacement zone for the following Bushland Reserves.**

Change:

- 2 Gisborne Hobbs Road Mapping Reference 33ZN
- 3 Gisborne Mount Gisborne Bushland Reserve Mapping Reference 43ZN
- 4 Gisborne Magnet Hill Bushland Reserve Mapping Reference 36ZN
- 5 Kyneton Bald Hill Bushland Reserve Mapping Reference 72ZN
- 6 Macedon Barringo Reserve Mapping Reference 23ZN & 35ZN
7. Mount Macedon Stanley Park Reserve Mapping Reference 27ZN
9. Malmesbury Malmesbury Common Bushland Reserve Nth Mapping Reference 5ZN

10 Malmsbury Malmsbury Common Bushland Reserve Sth Mapping Reference 5ZN

11. Woodend Browning Street Conservation Reserve Mapping Reference 24ZN

17. Riddells Creek Sandy Creek Bushland Reserve Mapping Reference 39ZN

**MACEDON RANGES PLANNING SCHEME**

**AMENDMENT C 126MARC**

**EXPLANATORY REPORT**

*Planning and Environment Act 1987*

MACEDON RANGES PLANNING SCHEME

Notice of the preparation of the Amendment

The Macedon Ranges Shire council has prepared Amendment C126macr to the Macedon Ranges Planning Scheme.

The land affected by this amendment is:

**ZONE CORRECTIONS**

**COUNCIL OWNED PUBLIC LAND**

Change	Location	Proposed Rezoning	Explanation
	<b>Gisborne</b>		
2	Hobbs Road	Rezone from Public Use Zone 6 to Public Conservation & Resource Zone	The site is a Council owned and managed bushland reserve this reserve is to protect biodiversity and provide habitat for  DELWP’s Planning and Biodiversity, December 2017 guidance reserves established for conservation purposes should be zoned in accordance with guideline note, the PCRZ is the appropriate
	<b>Gisborne</b>		
3	Mount Gisborne Bushland Reserve	Rezone from Public Park Recreation Zone to Public Conservation Resource Zone	As above  In accordance with the guidance note, the PCRZ is the appropriate replacement zone
4	Magnet Hill Bushland Reserve	Rezone from Rural Living Zone 2 to Public Conservation and Resource zone	As above  In accordance with the guidance note, the PCRZ is the appropriate replacement zone
	<b>Kyneton</b>		
5	Bald Hill Bushland Reserve	Rezone from Public Park and Recreation Zone to Public Conservation and Resource Zone	As above  In accordance with the guidance note, the PCRZ is the appropriate zone

	<b>Macedon</b>		
6	Barringo Reserve	Rezone from Public Park and Recreation Zone to Public Conservation and Resource Zone	As above  In accordance with the guidance note, the PCRZ is the most appropriate replacement zone
<b>Change</b>	<b>Location</b>	<b>Proposed Rezoning</b>	<b>Explanation</b>
	<b>Mount Macedon</b>		
7	Stanley Park Reserve	Rezone from Public Park and Recreation Zone to Public Conservation and Resource Zone	As above  In accordance with the guidance note, the PCRZ is the appropriate replacement zone.
	<b>Malmsbury</b>		
9	Malmsbury Common Bushland Reserve North	Rezone from Rural Living Zone 5 to Public Conservation and Resource Zone	As above  In accordance with the guidance note, the PCRZ is the most appropriate Replacement zone
10	Malmsbury Common Bushland Reserve South	Rezone from Public Park and Recreation Zone to Public Conservation and Resource Zone	As above  In accordance with the guidance note, the PCRZ is the most appropriate replacement zone
	<b>Woodend</b>		
11	Browning Street Conservation Reserve	Rezone from Low Density Residential Zone to Public Conservation and Resource Zone	As above  In accordance with the guidance notes, the PCRZ is the most appropriate replacement zone.
<b>Change</b>	<b>Location</b>	<b>Proposed Rezoning</b>	<b>Explanation</b>
	<b>Riddells Creek</b>		
17	Sandy Creek Bushland Reserve	Rezone from Public Use Zone 6 to Public Conservation and Resource Zone	As above  In accordance with guidance note, the PCRZ is the appropriate replacement zone.





To Macedon Ranges Shire Council,

I wish to object to the rezoning 51a Aitken St, due to the Officers report, June 2016.

"Ordinary Council Meeting – Wednesday, 22 June 2016 Page 93

"The Valuer assessed the Land in the range of \$700,000 to \$800,000 on the basis of highest and best use if it had a commercial zone. However, the land is not zoned for a commercial use. It is zoned for a public use. Furthermore, Council does not intend to sell the Land for its highest and best use. Council wants to ensure the land is available for public use. To ensure that the Land does not lose any of the public benefit that is derived from being owned by Council, Council is willing to sell it for use as a public car park.

Ordinary Council Meeting – Wednesday, 22 June 2016 Page 94 12. CS.5 CONSIDERATION AND DETERMINATION OF SUBMISSIONS IN RESPECT TO INTENTION TO SELL 51 AITKEN STREET, GISBORNE (Continued) Secondly, in accordance with the abovementioned Guidelines, because the land is proposed for sale for some purpose other than the highest and best use, the Valuer assessed the Land at \$600,000 on the basis that it is zoned for a public use, and is being sold for the purpose of a public use, which will continue into the future. 7. Sale Price The sale price of \$600,000 (plus GST) was negotiated on the basis that substantial financial and public benefit will be derived from the proposed sale. Firstly, the financial benefit that will be derived if ALDI design, construct and maintain a car park on this land, as follows – ☐ The car park construction costs will be about \$170,000. ☐ The design costs and supervision costs will be about \$17,000. ☐ The cleaning and maintenance costs will be about \$3,400 per annum. ☐ Therefore the short term financial benefit to Council will be \$787,000 plus a further long term benefit of \$3,400 per annum for an indefinite period. Secondly, there is a public benefit that will be derived from ensuring that this land is developed into a public car park and made available for public use. This is a crucial benefit given the demand for public car parking within the Gisborne retail and community precinct, and the proximity of the Land to that precinct. To ensure this public benefit is retained it will be secured by a legally binding contract between Council and ALDI under Section 173 of the Planning and Environment Act 1987. This agreement will be recorded on the certificates of title to the Land and to 45, 47 and 49 Aitken Street, Gisborne."

Regards,



COR2045196

33 St Andrews Place  
East Melbourne Victoria 3002  
Telephone (03) 9637 2000  
DX210083

Jack Wiltshire  
Strategic Planner  
Macedon Ranges Shire Council  
[mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au)

Dear Mr Wiltshire,

Thank you for providing the Victorian School Building Authority (VSBA) with the opportunity to comment on Amendment C126 to the Macedon Ranges Planning Scheme (the Amendment).

It is noted that the Amendment seeks to correct existing errors and anomalies applying to a number of sites and precincts throughout the Shire of Macedon Ranges. Only one site is owned by the Minister for Education, namely the Sunbury and Macedon Ranges Specialist School Bullengarook campus, located at 705 Bacchus Marsh Road, Bullengarook.

It is noted that the Amendment corrects the zoning that applies to the school site. This is currently contained in two zones, with part of Lot 1 on TP339680, 705 Bacchus Marsh Road, Bullengarook in a Rural Conservation Zone, Schedule 3. The Amendment will include the whole of the school site within the Public Use Zone, Education (PUZ2). No objections are raised to this change.

The Amendment also corrects errors applying to sites close to or abutting other Department of Education and Training land. These corrections have been reviewed and are considered to be inconsequential to the use or operation of the Department of Education and Training sites. No objections are raised to these changes.

If you would like further information, you may contact Ms Helen King, Senior Urban Planning Analyst, Infrastructure and Planning Branch, Victorian School Building Authority, Department of Education and Training, on (03) 7022 2184 or by email: [provision.planning@edumail.vic.gov.au](mailto:provision.planning@edumail.vic.gov.au)

Yours sincerely

*Erin Giles*

**Erin Giles**  
Acting Director  
Infrastructure and Planning Branch  
Victorian School Building Authority

31/ 03 /2020

## Planning Scheme Amendment C126

I make the following submission for the MRSC Council Officers and Councillors prior to their consideration of proposed Planning Scheme Amendment C126.

The strategic Planning Department Officer, provided insight that the amendments of C126 were primarily "housekeeping". Such housekeeping would include correcting zoning anomalies, inconsistencies and implementing council recommendations. An example of such a recommendation was zoning the Shire's bushland reserves to reflect the Biodiversity Strategy 2018, in accordance with the DELP guidance notes for zoning of bushland reserves.

Although I support rezoning of all Bushland reserves, and in particular Mount Gisborne Bushland Reserve, I have concerns with the rezoning recommendation of 51 Aitken Street. The aforementioned rezoning will have detrimental impacts on residents both financially and through the loss of a Public Open Space, while conversely providing uncompensated benefit to a commercial public entity.

### **198 Mount Gisborne Road Gisborne.**

Mt Gisborne Reserve 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 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.

MRSC Biodiversity Strategy 2018 recognises the environmental significance of this reserve, with the recommendations on page 53 that Mt Gisborne Reserve be altered from PPRZ to PCRZ. I support this amendment in C126. Further, I support the recommendation for the other bushland reserves mentioned in C126 to be rezoned PPRZ as they also fall under the DWELP guidance note regarding zoning to protect Biodiversity in bushland reserve.

### **51 Aitken Street Gisborne**

The recommendation to change the zoning from Public Open Space (which had been part of the MRSC, 1999 Open Space strategy) to Commercial has extensive ramifications for the future use and development of the site. The current zoning is appropriate and supported by the decision

made at the Ordinary Council Meeting 22 June 2016.

Commercial zoning in the affected area will not only financially disadvantage ratepayers, but will remove important Public Open Space within the township of Gisborne.

In 2016, whilst negotiating the sale of the land the council noted that it was not zoned for commercial use and should remain zoned for public use.

51 Aitken Street was not sold at market value. The negotiated price for the land was reached under the condition that the land i.e. the carpark would remain available for public use. Therefore the land was not considered to be sold for its "highest and best use".

A zone change from Open Public Space to Commercial has significant ramifications.

The land was sold at a negotiated price – critical to this negotiation was the condition that the land remain available to the public as a carpark. This was intended to be a legally binding contract between the parties with mutual benefit. It is unreasonable that now, having obtained the land below market price, the land owners should benefit from a rezoning.

To act in the best interests of the public, the government must enter contracts which benefit the community. Selling land at a reduced price only to subsequently relinquish the condition of negotiation is irresponsible.

This submission rejects the amendment for 51 Aitken St and urges Council Officers and Councillors to give due consideration to the detrimental financial legal ramifications of such an amendment.

Any successful amendments should not be to the disadvantage of the community – financial or otherwise. It is noted that if proposed zoning amendment for 51 Aitken is approved it will directly contradict the Council's decision at its Ordinary meeting of June 2016. In this meeting the sale of the land was negotiated to ensure the retention of public benefit into the future. Importantly, this land was sold at below market value, under the condition that the land remain Public Open Space as a public car park.

As a resident of Gisborne my submission is focused on the 2 amendments for Gisborne.

I submit that all recommendations of C126 must be reviewed to ensure that all the proposed amendments for the shire are in accordance with any prior decisions made by Council and proper consideration and weight has been given to the interests of those communities.

MACEDON RANGES PLANNING SCHEME  
PROPOSED AMENDMENT C126

# Submission

**Heritage overlay Schedule:** HO89

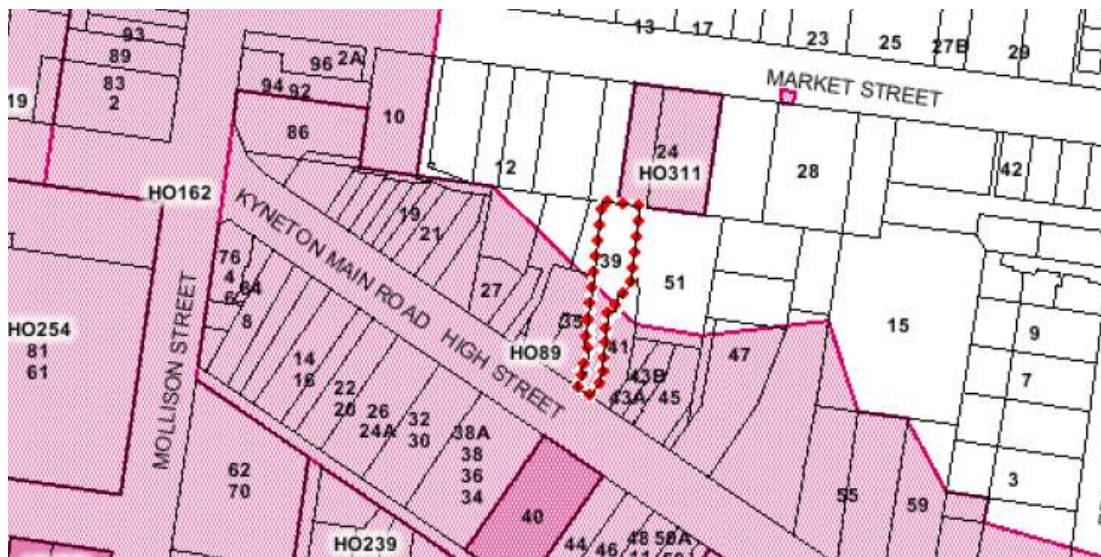
## Introduction

- 1) The intent of Macedon Ranges Shire Council in proposing Planning Scheme Amendment C126 is expressed with the notice (letter) dated 27 February 2020
- 2) Council asserts that the primary purposes for the amendment are:
  - i. To correct numerous errors, anomalies and make minor changes within the planning scheme.
  - ii. Facilitate Council's ongoing housekeeping to make sure the planning scheme is up to date and applied as intended.
- 3) Amendment C216 was facilitated by resolution of Council made at the ordinary Council Meeting of 26 June 2019
- 4) Council notified affected landowners in a general letter dated 27 February 2020, which was received (at Kyneton Post Office) on 6 March 2020, requiring submissions by 30 March 2020
- 5) Council has confirmed that despite a period of more than 8 months elapsing from the date of the resolution:
  - i. No updated or contemporary heritage studies were undertaken
  - ii. No survey validation or verification of affected titles was done
  - iii. The Statutory Planner managing the project and other officers did not inspect the affected site
  - iv. No prior consultation with landowners was afforded; the responsible officers and executives deemed such as being (quote) "not necessary"
- 6) The content of this submission relates only to the proposal to amend that section of Heritage Overlay 89 (HO89) that impacts Lot 1, TP22292, 39 High Street Kyneton

## Affected Property

- 7) Lot 1, TP22292, 39 High Street Kyneton is overlaid by HO89 covering that part of the property that faces onto, and is visible from High Street
- 8) The rear of the property is planned for use expanded, day-spa related tourist facilities and the provision of luxury tourist accommodation

- 9) The rear area of the property which is currently not subject to the provisions of HO89, is not visible from either High or Mollison Streets. (refer illustration below)
- 10) There are no identified contributory items or aspects that satisfy any of the state's heritage assessment criteria
- 11) Council's own development of adjoining land, together with surrounding properties visible from the affected land have extinguished any propensity to implement heritage provisions
- 12) The 30-year-old heritage study upon which Council relies does not identify, map or list that section of affected land
- 13) Similarly, the study makes no recommendations in relation to the High or Mollison Street precincts that are relevant to extending HO89 over the affected section of land



## Issues

- 14) In Application, the proposed expansion of HO89 across the northern section of Lot 1, TP22292, 39 High Street Kyneton, conflicts with the intent of the Macedon Ranges Planning Scheme and the functional provisions of Planning Practice Note PPN-01
- 15) Council's stated primary purposes are non-specific and general in nature, noting that Council also relies on its statement that; "The Amendment is administrative in nature" and "does not directly address any environmental, social or economic effects beyond the general improvement in decision-making."

- 16) However, the expansion of the existing polygon would be causal to:
- a. reduced aggregated land value
  - b. restrictions on the proposed development which benefit the visitor economy
  - c. increased costs associated with consultant reports
  - d. additional applicant costs in relation to development
  - e. additional and onerous obligations in facilitating development applications
  - f. increased negative sentiment on the part of potential buyers given Council's reputation for being difficult and problematic in relation to development matters
- 17) Extending the existing HO89 polygon provides no beneficial outcome whatsoever to any heritage, restoration or related objective
- 18) In the absence of any updated heritage studies, Council relies upon the Kyneton Heritage Conservation Study 1990. This study does not recognise the affected land parcel for any heritage attributes, rather, it simply refers to the entirety of the High façade streetscape.
- 19) The study does describe the attributes of nearby Welsh Street by way of a comparison to the lesser relevant High Street
- 20) The Macedon Ranges Planning Scheme schedule in relation to clause 43.1 similarly affirms that there are no attributes of significance and demonstrates such in the schedule where no controls are required for external façade painting/finishes, internal modifications and other requirements.
- 21) The proposed expansion of HO89 across the curtilage (northern section of Lot 1, TP22292, 39 High Street Kyneton) also fails to recognise the principle expressed in Planning Practice Note PPN-01 which states:

*“However, there will be occasions where the curtilage and the Heritage Overlay polygon should be **reduced in size as the land is of no significance**. Reducing the curtilage and the polygon will have the potential benefit of lessening the number of planning permits that are required with advantages to both the landowner and the responsible authority.”*

## Advocacy

- 22) That Council reject the Officers' proposed amendment to HO89 in respect of extending the curtilage across the northern section of Lot 1, TP22292, 39 High Street Kyneton**

## Justification

- 23) In the absence of the responsible Council Officers exercising appropriate due diligence and adopting what is typically an 'urban' perspective, there is no evidence that suggests or supports a claim that the land curtilage should be included within Overlay HO89
- 24) No physical site inspections or consultation has occurred. Communication with Council confirmed that Officers have made 'desktop' assumptions which are wholly based on; (quote) “the trend in most Councils to apply heritage overlays to the whole of properties”

- 25) The proposed curtilage extension fails to satisfy any of the criteria used to assess the heritage value of a place or location
- 26) The land area has no propensity to be seen or experienced from either High or Mollison Streets, therefore there is no propensity for the land to contribute to creation of a heritage streetscape, nor is there any propensity for the land to adversely or otherwise affect the principal intent of HO89, being the preservation of the High Street streetscape
- 27) At no stage since the adoption of the Kyneton Heritage Conservation Study 1990 has Council facilitated, communicated or deployed controls or guidelines in relation to the High Street façade streetscape.
- 28) The proposed amendment to HO89 (as drawn), fails to properly identify the property boundaries of Lot 1, TP22292, 39 High Street Kyneton and adjoining landholdings.
- 29) Therefore the amendment seeks to impose heritage overlay controls on sections of other land, contrary to council's stated intent and the recommendations of Planning Practice Note PPN-01
- 30) The inclusion of the curtilage of Lot 1, TP22292, 39 High Street Kyneton is not consistent with Section 4(1)(a) of the of the Planning and Environment Act 1987 which seeks to ensure that planning controls are appropriate, accurate and consistent, providing for the fair, orderly, economic and sustainable use and development of land.

## Observations

- 31) While the desires of the Statutory Planner to adopt a view more typical of urbanised Councils is noted, this Planning Scheme Amendment has been introduced and placed on exhibition without prior communications or consultation.
- 32) Council had 8 months to undertake, pre-exhibition consultation however:
- 33) The Officers' advice that the decision not to engage with affected landowners prior to advancing to exhibition was made by Council executives. This demonstrates a concerning lack of judgement and respect for the affected landowners. It is also inconsistent with, and contrary to Ministerial responses received.
- 34) Council has been overtly misleading in its assertion that the change is "purely administrative."
- 35) It is not appropriate that proposed Planning Scheme Amendments are undertaken without contemporary studies or reports and without physical site inspections.
- 36) It is not appropriate for Council to selectively rely upon a small section of a Planning Practice Note which is primarily oriented to manage various and complex overlays in high density urban areas. It is similarly not acceptable that the 'balancing' provisions within the same Practice Note are disregarded.



- 37) The constrained and limited timeframe for affected landowners to procure professional advice (at their own cost), review more than 300 pages of a 30 year old, poorly reproduced report and prepare submissions, particularly in the face of the difficulties brought about by COVID-19 restrictions, is unsatisfactory and demonstrates an improper and disrespectful intent that is contradicted by the Minister and Planning Panels Victoria.



**References:**

-  Part-1-Kyneton-Conservation-Heritage-Study-1990
-  Part-2-Kyneton-Conservation-Heritage-Study-1990
-  Part-3-Kyneton-Conservation-Heritage-Study-1990
-  Part-4-Kyneton-Conservation-Heritage-Study-1990
-  Part-5-Kyneton-Conservation-Heritage-Study-1990
-  Part-6-Kyneton-Conservation-Heritage-Study-1990
-  Part-7-Kyneton-Conservation-Heritage-Study-1990
-  PPN01-Applying-the-Heritage-Overlay

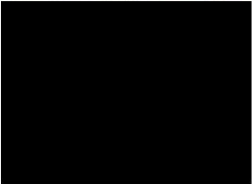
Hello

I wish to make the following submission. Please note that due to Corona virus and the extreme changes arising (working from home etc) I have not been able to make a submission by the due date of 30 March. I hope you are still able to consider my submission.

I fully support the amendment in particular the proposal to rezone Sandy Creek Bushland reserve from PUZ6 to to PCRZ.

I would however like to also draw Council's attention to the fact that there is no signage or easy public access to the reserve. The access route to the south east of the reserve is fenced with barbed wire at Sandy Creek Road, excluding the public and the land is not fenced on both sides in some places, and there may be encroachments onto the public land by neighbours in other areas. Therefore the public cannot easily walk through the access to the reserve. Neighbouring landowners need clarification of the existence and location of the public access alignment. Council needs get the access properly surveyed and fenced, with public access and signage provided at Sandy Creek Road. There are some significant weed issues in the access way that also need to be addressed and there is native vegetation in the access that needs to be assessed prior to any works.

Please see photos attached of the access route and map below.



Submission 23

Macedon Ranges Shire Council

PO Box 151 Kyneton Victoria 3444

Attention: Jack Wiltshire - Strategic Planner

Subject : Macedon Ranges Planning Scheme Amendment C126 marc -  
Mailboxes

Date: 21 July 2020

Dear Jack,

I am referring to your letter dated 12 June 2020 to Rezone land at Lot 1 on TP126489, 67 Baynton Street, Kyneton from Public Use Zone - Other Public Use (PUZ 7) to Neighbourhood Residential Zone, Schedule 10 (NRZ 10) as shown on Planning Scheme Map No.13

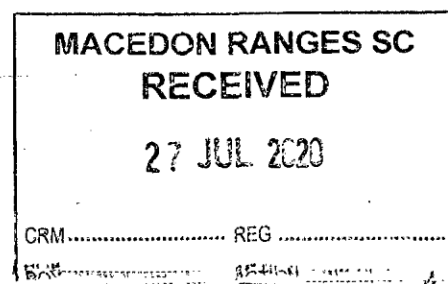
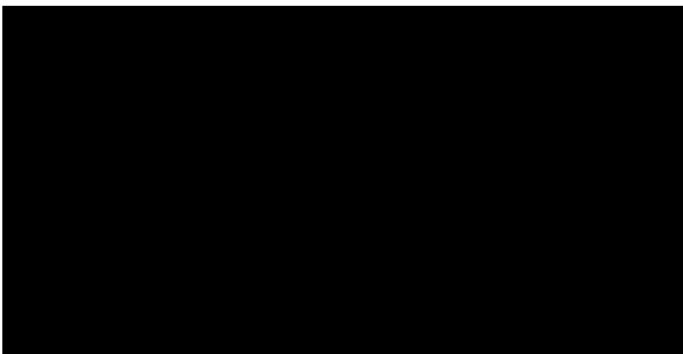
As soon as the above change took effect in 2018 Management at Windarring was quick to relocate a cluster of (6) mailboxes from their main-entrance.

Currently this cluster of (6) mailboxes is situated along Baynton Street and when overflowing the spillage is littering the street and [REDACTED]

My recommendation is that one each of the (6) mailboxes should be allocated to an unit.

This should reduce littering while the occupant has now a better (over)sight to empty the mailbox at regular intervals.

Littering is a worldwide problem. Let's do something about it!





Department of Environment,  
Land, Water and Planning

7 Taylor Street, Epsom  
Box 3100, Bendigo DC, 3554  
Telephone: 03 5430 4444  
DX 214506  
loddonmallee.planning@delwp.vic.gov.au

Ref: SP470989  
20200723 mn

Ms Suzane Becker  
Manager Strategic Planning and Environment  
Macedon Ranges Shire Council  
PO Box 151  
Kyneton Vic 3444

Dear Ms Becker

**PLANNING SCHEME AMENDMENT C126  
MRSC: PLANNING SCHEME AMENDMENT TO CORRECT ERRORS AND ANOMALIES  
VARIOUS LOCATIONS**

Thank you for your letter dated and received on 17 March 2020 about the above planning scheme amendment.

The Amendment involves correction of errors and anomalies in the Macedon Ranges Planning Scheme.

I provide this response under delegation from the Minister for Energy, Environment and Climate Change, the Minister administering the *Conservation, Forests and Lands Act 1987*.

The following comments from the Department of Environment, Land, Water and Planning (DELWP) comprise the consolidated views of DELWP (excluding the Planning group), and Parks Victoria. The Planning group will provide separate input at the appropriate time.

The Department of Environment, Land, Water and Planning wishes to advise that it supports the proposed amendment.

If you have any questions regarding this matter, please contact Munshi Nawaz on telephone 0429 014 402.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'A Johnson'.

**Amanda Johnson**  
Program Manager  
Planning and Approvals

23/07/2020

cc: [mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au)



4 August 2020

**AMENDMENT C126** Rezoning of land at Lot 4 on PS402075, 51 Aitken Street, Gisborne from PUZ6 to C1Z.

**OBJECTION TO REZONING** land from public to commercial.

**1 DESTRUCTION OF ORIGINAL PLAN / MISLEADING OF RESIDENTS**

When this land came up for sale a few years ago, the council said the land had originally been intended for use as public car parking for Gisborne. For some reason public car parking was not built.

With the sale to Aldi, the public were told that the land would be used by Aldi for car parking and residents would still have access to the car park whether they were Aldi shoppers or not. The council said it would be very useful because car parking was badly needed in Gisborne.

If the land is rezoned commercial, there is nothing to prevent Aldi or a subsequent owner from changing the use of the land from car parking to something else, eg the construction of office or retail premises. Besides the potential loss of critical car parking space, it also means the land cannot be accessed by the public, which would put the kibosh on a proposal gaining strength among the people of Gisborne for a walking path along the creek.

There is already a chronic shortage of car parking in Gisborne due to shortsighted decisions by previous councils, including waiving car parking requirements in many instances. We are now paying the price.

It is not an anomaly that this land is zoned public use, and it should remain public use and available for car parking or other public amenity.

**2. WALKING PATH.** This land fronts the creek. In my opinion, the council should be developing walking tracks right along the creek from Mt Gisborne down into the centre of the township. A continuous strip of land alongside the creek would need to be reclaimed, perhaps in easement form, where land has already been sold off to private residents.

This would provide enormous benefits to the people of Gisborne in both amenity and potentially in health through the encouragement of walking.

Rezoning of Lot 4 on PS402075 would make this vision impossible.



**Sent:** Wednesday, 2 September 2020 1:29 PM  
**To:** Macedon Ranges Shire Council  
**Subject:** Objection Rezoning Road Closure

After speaking with councillor Janet Pearce we are forwarding the following email objecting to us being denied access to our property [REDACTED] Malmsbury Post Office Road Via the laneway road reserve from which we currently have access.

Neither ourselves or neighbouring property owner [REDACTED] ever imagined the rezoning of the common and land above the river would effect our use of the laneway or we would be denied access via the laneway.

We were never made aware this rezoning was a road closure , no planning or proposed road closure was displayed at the Post Office Rd end of this area to bring to our attention the intention of this rezoning, we were never made aware of the Intention through the rezoning to close this road.

Access to our properties via this laneway is very important and plays a huge part in our bushfire survival plan.

We ask for an urgent meeting to discuss this matter.

We have made Councillors Pearce, Dukes and Anderson aware of this matter also.

Regards

**Sent:** Wednesday, 2 September 2020 3:11 PM  
**To:** Macedon Ranges Shire Council  
**Cc:** Cr Jennifer Anderson  
**Subject:** Proposed Rezoning and Road Closure of Malmsbury Common C126

To Whom It May Concern,

I am writing in reference to the proposed rezoning Amendment C126 affecting the Malmsbury Common on the Coliban River.

It has come to my attention that this rezoning proposal includes the closure of Boundary Street, west of Malmsbury Post Office Road.

As this road closure does not pertain to the rezoning of the above mentioned land and being an adjoining land holder of this road, we believe that proper procedure has not been followed as this constitutes a road closure, not land rezoning.

This proposal has not been advertised, signed or the neighbours advised. And they are two separate issues and therefore need to be addressed accordingly.

This road provides current access to our land for our farming operations, and closing this road would impact our on operation by removing this access.

I kindly request that further consultation with the adjoining neighbours be undertaken and proper procedures be adhered to prior to passing this amendment.

I do apologise for this late submission, however I have only been made aware of this issue this week.

[REDACTED] for further consultation and I look forward to hearing from you.

Yours Sincerely,